

EXHIBIT

K

DEPOSITION OF DR. CARLINDA PURCELL

January 23, 2006

Pages 1 through 113

**CONDENSED TRANSCRIPT AND CONCORDANCE
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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF ALABAMA
3 NORTHERN DIVISION

4 MELVIN LOWE,
5 Plaintiff,

6 Vs. CIVIL ACTION NO.
2:05-CV-0495

7 MONTGOMERY COUNTY BOARD OF
8 EDUCATION; VICKIE JERNIGAN,
9 MARK LABRANCE, TOMMIE MILLER,
10 MARY BRIERS, DAVE BORDEN,
11 HENRY A. SPEARS and BEVERLY ROSS,
12 in their official capacities as
13 members of the Montgomery County
14 Board of Education; and DR. CARLINDA
15 PURCELL, in her official capacity as
16 Superintendent of the Montgomery County
17 Board of Education,
18 Defendants.

19 *****

20 DEPOSITION OF DR. CARLINDA PURCELL, taken
21 pursuant to stipulation and agreement before Pamela
22 A. Wilbanks, Registered Professional Reporter and
23 Commissioner for the State of Alabama at Large, in
the Law Offices of Hill, Hill, Carter, Franco, Cole &
Black, 425 South Perry Street, Montgomery, Alabama,
on Monday, January 23, 2006, commencing at
approximately 9:10 a.m.

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13 STIPULATION

14 It is hereby stipulated and agreed by and
15 between counsel representing the parties that the
16 deposition of DR. CARLINDA PURCELL is taken pursuant
17 to the Federal Rules of Civil Procedure and that said
18 deposition may be taken before Pamela A. Wilbanks,
19 Registered Professional Reporter and Commissioner for
20 the State of Alabama at Large, without the formality
21 of a commission, that objections to questions other
22 than objections as to the form of the question need
23 not be made at this time but may be reserved for a

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1 APPEARANCES
2

3 FOR THE PLAINTIFF:

4 Mr. William F. Patty
5 Ms. Tonya Dugas
6 BEERS, ANDERSON, JACKSON, PATTY & VAN HEEST
7 Attorneys at Law
8 250 Commerce Street
9 Montgomery, Alabama 36104

10 FOR THE DEFENDANTS:

11 Ms. Elizabeth Carter
12 HILL, HILL, CARTER, FRANCO, COLE & BLACK
13 Attorneys at Law
14 425 South Perry Street
15 Montgomery, Alabama 36104

16 ALSO PRESENT:

17 Mr. Melvin Lowe
18 Mr. Jimmy Barker

19 *****

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21 BY MR. PATTY 4

22 *****
23

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1 offered in evidence or used for any other purpose by
2 either party provided for by the Statute.
3 It is further stipulated and agreed by and
4 between counsel representing the parties in this case
5 that the filing of said deposition is hereby waived
6 and may be introduced at the trial of this case or
7 used in any other manner by either party hereto
8 provided for by the Statute regardless of the waiving
9 of the filing of the same.

10 It is further stipulated and agreed by and
11 between the parties hereto and the witness that the
12 signature of the witness to this deposition is hereby
13 waived.

14 *****

15 DR. CARLINDA PURCELL

16
17 The witness, after having first been duly
18 sworn to speak the truth, the whole truth and nothing
19 but the truth testified as follows:

20 EXAMINATION

21 BY MR. PATTY:

22 Q. Please state your full name for the record.
23

<p style="text-align: right;">Page 5</p> <p>1 Q. Dr. Purcell, my name is Bill Patty. I 2 represent Mr. Lowe in this case. If at any 3 time you need to take a break, please ask me 4 and we'll be happy to do it. If you need me 5 to clarify any question, I'll be happy to try 6 to do so as well. 7 Where do you live? 8 A. At 600 Kingland (phonetic) Court in 9 Montgomery. 10 Q. Have you lived there the entire time that 11 you've lived in Montgomery? 12 A. No, I have not. For four months I lived at 13 the Homewood Suites. 14 Q. I'm sorry? 15 A. Homewood Suite Hotel, when I first arrived. 16 Q. And then moved to Kingland Court? 17 A. Yes. 18 Q. Are those all the places you've lived in 19 Montgomery? 20 A. That's correct. 21 Q. Have you lived anywhere else in Alabama 22 before? 23 A. No, I have not.</p>	<p style="text-align: right;">Page 7</p> <p>1 A. The bachelor's degree was -- I completed the 2 work on 12/31/1971, but I actually graduated 3 with my class of '72 and completed the 4 master's degree I believe in 1975 or '76 -- I 5 don't remember that one -- and finished the 6 doctorate in 1983 in June. 7 Q. Your bachelor's degree, was it in education? 8 A. It was in education with an emphasis on 9 special education with mental retardation. 10 The master's degree was early childhood 11 education with a focus on formal schooling, 12 the British concept of open schools, and the 13 doctorate was in administration and 14 supervision with a focus on administration and 15 specialty ed with a business cognate. 16 Q. So you became superintendent in Montgomery 17 County when? 18 A. On December 1, 2004. 19 Q. Where did you work before that? 20 A. In Cumberland County Schools in Fayetteville, 21 North Carolina as an associate superintendent 22 for curriculum and instructional services. 23 Q. How long did you hold that position?</p>
<p style="text-align: right;">Page 6</p> <p>1 Q. Could you please tell me your date of birth? 2 A. 11/25/49. 3 Q. And your educational background? 4 A. Everything up to a doctorate degree. 5 Q. Okay. If you could just sort of outline -- 6 A. Oh, you want me to outline it? 7 Q. Yes. 8 A. We won't talk about elementary and high 9 school. 10 Q. Oh, no. Just start with -- 11 A. I went to college at Bennett College for Women 12 in Greensboro, North Carolina and got a B.A. 13 degree. From there I went to work and then 14 started work on my master's degree at Virginia 15 State University in Petersburg, Virginia and 16 worked on that degree while I was working in 17 the state of Virginia in two different school 18 districts, and then left Virginia and went to 19 Illinois to teach in that area and serve as an 20 educational diagnostician and then came back 21 to Virginia to work on my doctorate at 22 Virginia Tech. 23 Q. What years did you get the bachelor's degree?</p>	<p style="text-align: right;">Page 7</p> <p>1 A. Let's just say September '02 to November '04. 2 Q. And where did you work before that? 3 A. Starting 12/95 until September '02 I was 4 superintendent of Warren County, North 5 Carolina. 6 Q. And prior to that position, where were you? 7 A. In Winston-Salem, Forsyth County Schools, July 8 1990 and stayed there until November '95. 9 Q. What position did you have there? 10 A. Division director for instructional support 11 services. 12 Q. What does that position involve? 13 A. It's everything over counseling, special 14 education, federal programs, drop-out 15 prevention. I'll have to think about the 16 people. Social workers, psychologists, 17 research and grant writing. 18 Q. And that was Winston-Salem -- 19 A. Winston-Salem-Forsyth. It's a city/county 20 combined system. 21 Q. And before that position, where did you work? 22 A. In Wayne County Schools in Goldsboro, North 23 Carolina somewhere in 1987. Let's try August</p>

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1 of '87 until -- I guess until they recruited
 2 me to Winston-Salem and served as director of
 3 student services there with responsibilities
 4 also for special education
 5 Q. And director of student services, what would
 6 that involve?
 7 A. Guidance counselors, social workers,
 8 psychologists and with the responsibilities
 9 coupled to that with special ed also, the
 10 gifted program.
 11 Q. And before that position, where did you work?
 12 A. 12/84 until that time in August of '87, I was
 13 in Lincoln County, North Carolina as director
 14 of special education or exceptional children.
 15 We called it exceptional children. And I
 16 guess that other note, you can change that to
 17 exceptional children. I'm in another state
 18 now so I'm into special ed, but we called it
 19 exceptional children in that state.
 20 Q. And before that position?
 21 A. An assistant professor at Delaware State
 22 College in Delaware, Andover. Let's see
 23 when. Let's try August of '83.

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1 Q. Till '84?
 2 A. Yeah, until '84, December.
 3 Q. Have you worked any in Alabama before this job?
 4 A. No, I have not.
 5 Q. Before your position as assistant professor at
 6 Delaware State, where did you work?
 7 A. I was a graduate student -- full-time graduate
 8 student at Virginia Tech from 1980 in June
 9 until June of '83 when I graduated.
 10 Q. From '80 to '83?
 11 A. Yeah.
 12 Q. And then before that, you were --
 13 A. I was in North Chicago, Illinois where I
 14 served as a classroom teacher for -- initially
 15 until I became the district diagnostician --
 16 educational diagnostician. Let's see when did
 17 I leave Richmond.
 18 Q. That's fine. Take your time.
 19 A. I guess I went to Illinois in '76, '77. I'm
 20 not sure. I would have to go back and look at
 21 a piece of paper now. I left Richmond Public
 22 Schools as a classroom teacher and went to
 23 Illinois and taught and then became the

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1 district diagnostician, and the division of
 2 those lines is kind of murky.
 3 Q. So roughly '76 to '80 you were a classroom
 4 teacher and then district --
 5 A. Diagnostician.
 6 Q. And then before that you were where?
 7 A. It's probably easier if I say in '71 --
 8 January of '71 I was in Charles City, Virginia
 9 as a special ed teacher and then left there --
 10 I probably need a piece of paper again to look
 11 at some exact dates. But then I went to the
 12 Richmond Public Schools where I taught special
 13 education and reading in the Richmond Public
 14 Schools, and then I went to Illinois. And
 15 that's the extent of my job career. Thank
 16 goodness.
 17 Q. Where did you work or what did you do at
 18 Charles City, Virginia?
 19 A. Special ed teacher, elementary school.
 20 Q. Have you ever been sued before?
 21 A. Well, I guess as superintendent, yes.
 22 Q. Okay. I understand. Where was that at?
 23 A. In Warren County, North Carolina. Generally

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1 collectively with the board of education.
 2 Q. Was it in state or federal court? Do you
 3 remember?
 4 A. And I guess if you asked if we went to state
 5 or federal court, it probably never got that
 6 far, the suits that people generate but never,
 7 ever get very far, because our attorneys were
 8 working on them, so we never probably had one
 9 except one on the dismissal of a teacher.
 10 Q. I was wondering more do you remember -- In the
 11 lawsuits where you were named, do you remember
 12 if there was one where -- do you remember if
 13 it was in federal court or state court where
 14 it was filed, not necessarily that it went to
 15 trial?
 16 A. I'm not sure. And, again, I would have to go
 17 to files to look at that, and those files I
 18 don't have here.
 19 Q. What suits do you remember being filed?
 20 A. I'm thinking about a science teacher -- high
 21 school science teacher.
 22 Q. Do you remember generally what the allegations
 23 were?

Page 13

1 A. Why he was suing the district?
 2 Q. Right.
 3 A. We were moving on dismissal, and he had claims
 4 of sexual harassment. That pretty much was
 5 probably the largest claim. And he took
 6 issues with the board members and the
 7 superintendent, of course, supporting the
 8 principal.
 9 Q. Who was the harasser with --
 10 A. He claimed it was the principal.
 11 Q. And any other lawsuits that you can recall?
 12 A. No.
 13 Q. Do you recall in your positions if you were
 14 ever named in any kind of EEOC complaint?
 15 A. I guess the way the EEOC complaints are filed
 16 and obviously name the district, there
 17 probably were several of those in, I mean, my
 18 special ed background and career as a director
 19 administrator from 1984 up until truly I guess
 20 even now. But I really don't recall specifics
 21 and details about them.
 22 Q. From the time you've been employed up through
 23 today, can you think of any other situations

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1 where you've been named in an EEOC complaint
 2 that deals more with your actions regarding --
 3 A. Not because of my action but more because of
 4 the district being named for failure to
 5 provide services to children. And probably
 6 here in Montgomery where we've been named --
 7 We don't get all those resolved in our favor,
 8 but I would say that typically my experience
 9 was that we pretty much had most of them
 10 resolved in favor of the school district.
 11 Q. And those were special ed complaints?
 12 A. Special ed complaints.
 13 MS. CARTER: I think she might be
 14 talking about OCR complaints as
 15 opposed to the EE --
 16 THE WITNESS: Yes. I have --
 17 MS. CARTER: I realized that when
 18 you started talking about --
 19 THE WITNESS: Yes. Thank you.
 20 A. Scratch all that. No, I don't remember any
 21 EEOC, then. Obviously we have EEOC complaints
 22 here in Alabama, but I don't recall any in
 23 North Carolina.

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1 Q. Have you ever filed a lawsuit before?
 2 A. No.
 3 Q. Have you ever filed an EEOC complaint before?
 4 A. No.
 5 Q. Have you ever given a deposition before?
 6 A. No.
 7 Q. Have you ever given sworn testimony in court
 8 before?
 9 A. Yes.
 10 Q. When was that?
 11 A. During the time I was superintendent in Warren
 12 County. I can't tell you the exact year. I
 13 should be able to -- I can't recall the year.
 14 Q. What was that concerning?
 15 A. It was a matter where we had had one of our
 16 students who was on suspension and another
 17 student who was out -- they were out of school
 18 and they were angry with the bus driver of a
 19 bus, and they shot at the bus. And the bullet
 20 hit and grazed by the eye of one of our
 21 students. And as a result of that and the
 22 discussions that ensued, it was pretty much
 23 that the child who -- I'm trying to think who

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1 did the shooting. The child who did the
 2 shooting was not enrolled in our school. The
 3 child suspended was our student, but the child
 4 who had done the shooting seemed to have come
 5 from Richmond, Virginia Public Schools but had
 6 not enrolled in our schools. But the attorney
 7 took the position that the grandmother had
 8 come to our office and asked to enroll the
 9 child.
 10 Well, my staff member gave the response
 11 that pretty much the child would have to have
 12 a legal guardian. It did not seem that the
 13 grandparent was the legal guardian. And
 14 obviously my staff person just gave them the
 15 paperwork and said you would have to get your
 16 daughter to go to district court to get you
 17 approved as the legal guardian and then we
 18 would be glad to enroll. The grandmother was
 19 probably not extremely literate in
 20 understanding the process and procedures, but
 21 she did have the paperwork. But she never
 22 called her daughter. So we learned after the
 23 incident that the child had been in our

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1 community from August to about December and
 2 had never enrolled in school. And so we were
 3 taken to court saying that somehow we beared
 4 blame because if we had enrolled the child,
 5 then this never would have happened. I'm not
 6 sure that that's the case, that that's
 7 factual. But I did not feel that the district
 8 bared the blame and took the position that we
 9 could not be responsible for every child who
 10 moved into our community and had little or no
 11 knowledge of their status in terms of being
 12 with a legal guardian or not being with a
 13 legal guardian. And we felt this was a very
 14 unfortunate situation more so because the
 15 child who was shot lived in the community, and
 16 she was just very frustrated that her
 17 neighbors could have done something like that
 18 to harm the child.
 19 Q. And so you gave some sworn testimony in court
 20 regarding that?
 21 A. Yes.
 22 Q. Have you testified any other time in court?
 23 A. I can't think of any other time. I guess

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1 there are cases that the districts I've worked
 2 in have been involved in, but usually in a
 3 supervisory capacity I've not been the one
 4 that actually had to go. Some other staff
 5 members went even if I was familiar with
 6 cases.
 7 Q. Do you have an Alabama teacher's certificate?
 8 A. No, I do not.
 9 Q. Have you applied for an Alabama teaching
 10 certificate?
 11 A. I am waiting for them to give me the
 12 coursework that I need to satisfy, and I've
 13 been working with Mr. Fagan --
 14 THE WITNESS: Mr. Barker, is it
 15 Johnson?
 16 Q. Fagan Johnson, yes.
 17 A. Yes.
 18 Q. Do you have a North Carolina teaching
 19 certificate?
 20 A. Yes, I do.
 21 Q. Virginia as well?
 22 A. I probably have allowed the Virginia one to
 23 expire.

Page 19

1 Q. What is your North Carolina certificate in?
 2 A. Teaching of LD, principalship, curriculum
 3 instruction I believe is on there, and
 4 superintendent.
 5 Q. Has your certificate ever been the subject of
 6 any discipline?
 7 A. No.
 8 Q. With regard to the one you applied for in
 9 Alabama, what is the type of certificate
 10 you're applying for?
 11 A. Superintendency only. And I suspect when they
 12 review the paperwork, they'll give something
 13 else. But it's just that I'm interested in
 14 superintendency.
 15 Q. The different positions you left your
 16 employment that you've gone over these with
 17 us, have you left those all on good terms?
 18 A. I've left them all on good terms and for
 19 opportunities for promotions.
 20 Q. This is something we ask standard through all
 21 depositions.
 22 Have you ever been charged with a crime
 23 other than a traffic ticket?

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1 A. No.
 2 Q. Ever been in the military?
 3 A. No.
 4 Q. Do you have any relatives that live in
 5 Montgomery County?
 6 A. No.
 7 Q. Are you a member of any clubs or organizations
 8 in Montgomery County?
 9 A. Professional organizations tied to my work.
 10 The Chamber of Commerce, the Center For
 11 Government out at AUM, HIPI board of
 12 directors, the YMCA board, the Committee of
 13 100. I think that's it.
 14 Q. I should have probably made this broader, but
 15 I don't know if I can list all the counties
 16 that are in the middle district. But do you
 17 have any relatives in Alabama?
 18 A. I have no relatives in Alabama. I don't even
 19 know what the middle districts are.
 20 Q. I take it you're not married?
 21 A. No, I'm not.
 22 Q. Have you ever been married?
 23 A. I have.

<div>Page 21</div> <div> <p>1 Q. What was your former spouse's name?</p> <p>2 A. Edgeworth.</p> <p>3 Q. Edgeworth?</p> <p>4 A. Edgeworth was my married name. Purcell is my</p> <p>5 maiden name.</p> <p>6 Q. What was his full name?</p> <p>7 A. Ernest Devon Edgeworth.</p> <p>8 Q. And do you know where he lives now?</p> <p>9 A. He's deceased.</p> <p>10 Q. When did he pass away?</p> <p>11 A. I don't know.</p> <p>12 Q. I take it y'all must have been divorced then?</p> <p>13 A. We were divorced by then.</p> <p>14 Q. When did y'all divorce?</p> <p>15 A. 1980.</p> <p>16 Q. Any other marriages?</p> <p>17 A. No.</p> <p>18 Q. Are you a member of any church in Alabama?</p> <p>19 A. Dexter Avenue King Memorial Baptist Church.</p> <p>20 Q. Do you hold any officer or leadership</p> <p>21 positions at that church?</p> <p>22 A. No, I do not.</p> <p>23 Q. In my understanding from talking to your</p> </div>	<div>Page 23</div> <div> <p>1 certified and classified personnd.</p> <p>2 And certainly we are employing large</p> <p>3 numbers of people, and I don't sit down and</p> <p>4 deal with the details of every single name,</p> <p>5 but I do read them and ask Mr. Barker to tell</p> <p>6 me any that are kind of stand-outissues and</p> <p>7 concerns that I need to be familiar with</p> <p>8 before I sign off on them.</p> <p>9 If you're talking about a principal I've</p> <p>10 taken the position since I've been here that I</p> <p>11 want to sit at the table when we are</p> <p>12 interviewing for principalships. And then, of</p> <p>13 course, for assistant principals, that's a</p> <p>14 process that is still in place that was here</p> <p>15 when I got here with Mr. Barker, pretty much</p> <p>16 that principals, I believe-- it's either</p> <p>17 seven or five -- interview that number of</p> <p>18 candidates and make a recommendaon of three</p> <p>19 finalists to Mr. Barker's office where he</p> <p>20 brings them in and shares them with me. And</p> <p>21 we discuss the recommendation, and more than</p> <p>22 likely I tend to go abng with the principal's</p> <p>23 recommendation unless there's a concern that I</p> </div>
<div>Page 22</div> <div> <p>1 attorney, you are not being tendered as the</p> <p>2 30(b)(6) witness, that Mr. Barker will be</p> <p>3 answering those questions as the 30(b)(6)</p> <p>4 witness, the person speaking on behalf of the</p> <p>5 school to different issues.</p> <p>6 A. All right.</p> <p>7 Q. But I would like to ask you a little bit about</p> <p>8 generally how the hiring process works for</p> <p>9 certified personnel at the school since you've</p> <p>10 been there.</p> <p>11 A. Okay. Since I've been there and as I</p> <p>12 understand how the process works is that</p> <p>13 principals get an opportunity to interview</p> <p>14 their staff personnel or people that they want</p> <p>15 to bring onto their staff for teachers. I'm</p> <p>16 talking about teachers. And then they make a</p> <p>17 recommendation to Mr. Barker's office, and he</p> <p>18 and his staff members review those</p> <p>19 recommendations and look at certification</p> <p>20 processes and details that's associated with</p> <p>21 that. And then they bring a recommendation to</p> <p>22 me to carry to the board, and those personnel</p> <p>23 recommendations are usually divided by</p> </div>	<div>Page 2</div> <div> <p>1 have about a particular school and how to</p> <p>2 balance out the strength that comes from the</p> <p>3 academic backgroundthat the two people would</p> <p>4 hold, especially inthe elementary school. If</p> <p>5 it's a principal and assistart principal at a</p> <p>6 high school, I probably would not be as</p> <p>7 concerned because typically you would have a</p> <p>8 multiple number of administators, and you</p> <p>9 probably are going to get almost every</p> <p>10 background to balance out the academic</p> <p>11 strength that they bring to that school.</p> <p>12 Q. With certified personnel, are there any other</p> <p>13 hiring processes besides what you've described</p> <p>14 for the principal, assistant principal and the</p> <p>15 teachers?</p> <p>16 A. If you're talking about people at the central</p> <p>17 office level, assistant superintendents, we</p> <p>18 have an opening for an associate</p> <p>19 superintendent and directors. I am going to</p> <p>20 be involved in those because they are key</p> <p>21 people on our staff, so I want to know who is</p> <p>22 going to compose the team.</p> <p>23 When you get down to certain levels -- I</p> </div>

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1 know that Mr. Barker and his staff just
 2 interviewed a person last week to be a special
 3 population coordinator in the career technical
 4 education area. I was involved in hiring the
 5 director and I was involved in hiring the
 6 assistant superintendent that that director
 7 works with, but I don't feel that I need to
 8 get down to the third tier of that. That's
 9 going to have a couple other people
 10 supervising that person, so I'm not interested
 11 in going that far in the organization.
 12 Q. With regard to teachers -- Let me back up.
 13 Have we pretty much covered for certified
 14 personnel the hiring process generally?
 15 MS. CARTER: Object to form. I
 16 don't know that she testified to
 17 it generally other than except
 18 from her perspective. Again,
 19 she's not being put up as a
 20 representative on that issue.
 21 MR. PATTY: Sure.
 22 Q. Have we covered the certified personnel hiring
 23 process generally?

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1 MS. CARTER: Same objection.
 2 A. I think we have.
 3 Q. Now, with regard to teachers, I think you said
 4 that generally they are interviewed by their
 5 principal.
 6 A. Yes.
 7 Q. And then the principal, who I guess they'll
 8 work for, comes back and says, I want to hire
 9 this particular individual. And then that
 10 person goes to Mr. Barker; is that --
 11 A. When the principal and their team -- Some
 12 principals, if they are involved -- and
 13 members of their staff -- with the interview
 14 process, then they bring that recommendation
 15 to Mr. Barker.
 16 Q. So the principal may have a group inside his
 17 own school or his or her own school that will
 18 assist in coming up with someone to recommend?
 19 THE WITNESS: I think that that
 20 happens in some instances,
 21 Mr. Barker?
 22 A. In the summertime it may get to be a little
 23 different. I don't know if principals have

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1 teachers and team members around.
 2 Q. And then Mr. Barker would check for
 3 certification issues and then bring a
 4 recommendation to you then --
 5 A. Yes.
 6 Q. -- as who he suggests to hire?
 7 A. And I don't want to leave the impression
 8 Mr. Barker is checking certification issues
 9 because he has a staff, and so --
 10 Q. I understand.
 11 A. And then, of course, he brings the
 12 recommendations to me in a typed-up process.
 13 Q. Can you recall since you've been here anyone
 14 that has been recommended by a principal for
 15 hiring of a teacher/certified position -- I'm
 16 talking about everything except assistant
 17 principal, principal, central office person --
 18 that has been recommended by the principal but
 19 has not been hired for the position?
 20 A. I think I can. Ask your question again.
 21 Q. I'm talking about folks -- not assistant
 22 principals, not principals, not central office
 23 personnel, but other certified employees. Can

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1 you think of anyone while you've worked in the
 2 school system as superintendent where the
 3 principal at a particular school recommended
 4 to hire this employee to work at their school
 5 and you did not employ that person?
 6 A. Now, when I say I think I can, I guess I can't
 7 really recall that I have. I guess
 8 Mr. Barker -- if I can ask a question --
 9 MS. CARTER: Just do the best --
 10 THE WITNESS: I can't?
 11 MS. CARTER: Not because we're being
 12 mean. You just have to do it --
 13 Just do it from your memory as
 14 best you can recall.
 15 A. I guess I haven't gotten involved in
 16 discussions where a principal recommends a
 17 name. I guess I've had employees who have
 18 come and expressed concerns that they have not
 19 been hired to Mr. Barker or to a board member,
 20 and they've asked me to sometimes intercede.
 21 And my position has always been that the
 22 principal is probably going to know best who
 23 can work in that building unless I know

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1 something that's really outstanding that would
 2 say something other than that person being
 3 hired. I guess I've been more involved in
 4 those. And I suspect when you're in a
 5 district as large as Montgomery, you can have
 6 several of those kinds of cases.
 7 Q. As you sit here today, can you think of any
 8 situation, though, where the principal wanted
 9 to hire someone to your knowledge and you did
 10 not follow that principal's recommendation to
 11 hire them?
 12 A. If you're talking about a classroom teacher, I
 13 can't think of one. I can think of where we
 14 were involved in an assistant principal issue.
 15 Q. With the assistant principal, what was the
 16 issue there?
 17 A. Well, when we hired the principal at the
 18 school, I made it very clear in a post
 19 conference with the principal that I would be
 20 heavily involved in who the assistant
 21 principal would be for that school. He
 22 certainly had the opportunity to go through
 23 the interview process that is put in place to

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1 there that I might have just taken that name
 2 as well, but we had sent the message very
 3 clearly beforehand.
 4 Q. But as you sit here today, can you think of
 5 anyone in any situation where a principal said
 6 I want to hire so-and-so for this position,
 7 and you did not do it -- did not follow his
 8 recommendation?
 9 MS. CARTER: Object to the form.
 10 A. I guess if I had a list of schools, I could go
 11 through in my head and look at the list of
 12 schools and see. That may be a question we
 13 can come back to. I can't think of it right
 14 now.
 15 Q. Would it be fair to say as you sit here right
 16 now you can't think of any where the
 17 principal --
 18 A. At this moment I cannot think of any.
 19 Q. -- where the principal wanted to hire a
 20 certain person and you did not do that?
 21 A. Yeah.
 22 Q. Let me -- I don't think we're clear on the
 23 record because we kind of cut in on each

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1 interview assistant principals anyway. But as
 2 a result of the interview process, he
 3 recommended the three people. Mr. Barker
 4 brought them in, and he just said that this --
 5 Well, I guess the principal sent the word up
 6 to me beforehand that he really wanted this
 7 person, and Mr. Barker reminded him that you
 8 recall that the superintendent said she would
 9 be heavily involved in this decision for this
 10 particular school.
 11 And it just so happened that -- I think he
 12 understood that, but it just so happened that
 13 his recommendation would have been the
 14 recommendation that I would have decided on
 15 anyway by reviewing the paperwork and by the
 16 background information that Mr. Barker shared
 17 with me on the respective candidates as well
 18 as the information I saw when I reviewed the
 19 personnel files.
 20 Q. Well, does that mean y'all hired the person
 21 the principal wanted to hire?
 22 A. Yes. But I think the principal was of the
 23 opinion that if he had sent somebody else up

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1 other.
 2 As you sit here today, you cannot think of
 3 any situation or any person where the
 4 principal wanted to hire a person and you
 5 would not hire that person?
 6 A. Right now I cannot think of any.
 7 Q. Now, do you know who the principal -- when
 8 you're dealing with a certified employee, do
 9 you know who the principal's recommendation is
 10 before you make a decision to hire or not to
 11 hire? For instance, when Mr. Barker presents
 12 you a candidate, does he say, this is the
 13 person that the principal wants to hire for
 14 this particular position?
 15 A. Yes. Because we pretty much are looking at a
 16 list of schools, names, who vacated a
 17 position, whether it's a new position. So, I,
 18 mean, I can see them by school, and pretty
 19 much those recommendations are coming from the
 20 principals.
 21 Q. Does the principal's recommendation come to
 22 you -- for instance, if once the employee
 23 moves to Mr. Barker -- Say the principal

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<p>1 recommends this employee, and the employee 2 moves to go through the HR with Mr. Barker. 3 If Mr. Barker decides that he's not going to 4 recommend that employee, do you still -- are 5 you still told that this is somebody the 6 principal wants to hire? 7 A. When Mr. Barker brings the names in and we sit 8 down and talk about them, he pretty much 9 raises any red flags that I need to know about 10 and tells me background and history that they 11 found, whether they can clear a certification 12 at the state department, whether they have 13 this on the person, with the No Child Left 14 Behind, whether this person is going to be 15 highly qualified as a result of having had 16 conversation with Sandra -- I forgot her last 17 name -- the person who reviews the No Child 18 Left Behind highly qualified status. So I 19 pretty much know those when they come -- when 20 he comes in to sit and talk with me about it. 21 Q. I probably should have asked it this way. 22 If a principal recommends an employee to 23 be hired, will you get that recommendation</p>	<p>1 hire or not? 2 A. I have not been involved at that level of 3 detail. 4 Q. Mr. Lowe's EEOC file -- With Mr. Lowe's EEOC 5 complaint, did you have any involvement in the 6 investigation of that? 7 A. Not really except passing over a few documents 8 to Mr. Barker that were communications that he 9 asked me if he could have access to or that I 10 might have e-mailed to him as well. 11 Q. Those would have been communications between 12 Mr. Lowe and yourself? 13 A. Yes. And I guess it's not -- maybe the word 14 investigation -- getting prepared for the 15 investigation may not have been accurate. I 16 guess there were points where I received 17 communication from Mr. Lowe, and I might have 18 sent them to Mr. Barker and said can you give 19 me feedback on what this is about. 20 Q. When did you first learn that Mr. Lowe had an 21 EEOC complaint? 22 A. I guess it was -- maybe toward the latter part 23 of last school year, the ending of the school</p>
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<p>1 regardless of what Mr. Barker's office finds 2 out? 3 A. I think after they have done the checks that 4 they have to do, I'm going to get that name. 5 Q. You may get that name with, this is the 6 person the principal -- 7 A. With the notation. 8 Q. Right. This is the person the principal wants 9 to hire, but he doesn't have the 10 certification -- 11 A. Exactly. And notations may not always be in 12 writing. It may be verbal notations. 13 Q. Is the principal's recommendation for a 14 particular job documented anywhere? 15 A. It's documented when we take it to the board 16 of education. The principal sends it up I 17 suspect in writing. I don't go over there and 18 look, but I suspect it comes in writing or 19 through e-mail process. And then, of course, 20 when it goes to our board, it's obviously in 21 writing with the details. 22 Q. There's not a form per se that the principal 23 fills out to say this is the person I want to</p>	<p>1 year into the summer, early fall. I don't 2 know the exact date. 3 Q. The latter part of the '04-'05 school year? 4 A. I'm into the next school year. Maybe the 5 '04-'05, August, sometime thereafter. Well, I 6 guess that's '05-'06 when we start school in 7 the summertime. Somewhere in between the 8 latter part of '04-'05 and the early part of 9 '05-'06. 10 Q. I'm distinguishing the EEOC complaint from the 11 lawsuit itself, because I know you were served 12 with a lawsuit in this case in your official 13 capacity as superintendent in May of 2005. 14 But I'm really speaking of the EEOC complaint 15 that was filed and any kind of investigation 16 that took place before that lawsuit was 17 filed. 18 Did you have any knowledge of Mr. Lowe's 19 EEOC complaint prior to that lawsuit being 20 filed? 21 A. I think I had knowledge of it, but if you 22 asked me the dates on these, I could not tell 23 you without going back and looking in the</p>

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1 files.
 2 Q. But in preparing the response for the school
 3 board to respond to the EEOC's charge, did you
 4 have any involvement in preparing that
 5 response to the EEOC charge?
 6 A. Typically the way that any responses we do get
 7 done is obviously my spending obviously some
 8 time talking to Mr. Barker about it, depending
 9 on who we need to involve, if it's the law
 10 firm here or -- we also work with Mr. Davis,
 11 another law firm -- that I obviously sit down
 12 and have discussion about it. The paperwork
 13 and so forth I guess that's collected is
 14 probably collected through Jimmy Barker's
 15 office and then working with our attorneys to
 16 finalize responses. And depending on who
 17 needs to be involved, I guess if it's a
 18 special ed case and matter that Mr. Barker
 19 would work with Dr. Short. And I don't know
 20 if we have a lot of other cases that are
 21 coming from other places other than EEOC.
 22 Q. With regard to Mr. Lowe's charge, other than
 23 sending some e-mail correspondence to

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1 face coming here, and then the request to
 2 serve as a mentor.
 3 Q. Had you heard of Mr. Lowe prior to getting
 4 that correspondence?
 5 A. No, I had not.
 6 Q. And what did you do after you received it
 7 regarding that correspondence?
 8 A. Well, that piece of correspondence, unless it
 9 was from a board of education member, went in
 10 a box and file with a lot of others that I
 11 felt I would appropriately deal with once I
 12 got on board in Montgomery. And that's not
 13 anything negative against Mr. Lowe, but I've
 14 just always taken the position, given the
 15 number of jobs I've done, that I'm truly not
 16 on another job until the day I arrive on that
 17 job, and I can't finalize what I'm working on
 18 and trying to get to the next page. But I
 19 also knew that once I got on board that --
 20 again it didn't have anything to do with
 21 Mr. Lowe -- I knew that the challenges in
 22 Montgomery were going to be of such that I did
 23 not think for several reasons that I wanted to

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1 Mr. Barker, do you recall any involvement you
 2 had in responding to the EEOC on that charge?
 3 A. Not really in terms of actually collecting
 4 data. I suspect because of the size of the
 5 system, you just usually aren't down at that
 6 level of the organization.
 7 Q. When do you first remember having any
 8 conversation or contact with anyone regarding
 9 Mr. Lowe?
 10 A. I suspect the first time I heard of Mr. Lowe
 11 was prior to coming to Montgomery when I
 12 received a communication from him -- a written
 13 communication. So I suspect that would have
 14 been somewhere between -- I suspect somewhere
 15 between September and November of '04.
 16 Q. And what do you recall about that
 17 communication? What do you remember it being?
 18 A. Well, I received that communication in
 19 Fayetteville, a bit of a congratulations about
 20 coming to Montgomery, some details about his
 21 pursuing a doctorate degree, and not so much
 22 issues in Montgomery but some of the
 23 challenges that were here and what I would

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1 be a mentor. One, I wouldn't have the time.
 2 And I really felt strongly in looking at my
 3 own background and the mentors that I've had
 4 that a person should at least meet their
 5 mentors and know something about them and know
 6 if there's something that that person has to
 7 really offer me that I can benefit from and
 8 gain some new knowledge, new skills, new ways
 9 of thinking and growing. And I just thought
 10 that that was not probably good for me to
 11 respond to him quickly and say, you know, I'll
 12 be glad to serve as your mentor. We had not
 13 met each other. But on the other hand also, I
 14 just strongly felt there was going to be so
 15 much in Montgomery to do, as I've discovered,
 16 that serving as someone's mentor and not being
 17 able to do that in a strong way was not
 18 something I wanted to do.
 19 Q. Did you talk to anyone about Mr. Lowe after
 20 receiving that correspondence?
 21 A. Not really. I just -- I really spent little
 22 time talking to people in Montgomery unless it
 23 was with the attorneys negotiating the

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1 contract or with board members. I strongly
 2 felt that I still was on payroll and contract
 3 with the Cumberland County School District and
 4 owed them my allegiance and final days of work
 5 there to leave a smooth transition for them.
 6 Q. When you say not really, does that mean you
 7 may have talked to someone in passing about
 8 it?
 9 A. Not really. Well, I guess let's just say no.
 10 Q. All right.
 11 MS. CARTER: He's a lawyer so "not
 12 really" doesn't mean anything.
 13 MR. PATTY: That's right.
 14 A. I can think of one person. I may have talked
 15 to someone about it simply because this lady
 16 was running for the board of education, which
 17 obviously would have piqued my interest, as
 18 far as that person being a possible candidate
 19 to be on the board. I received a nice letter
 20 and package from her, and I did inquire about
 21 who that was. But I didn't even call that
 22 person. In fact, I didn't consider her a
 23 board member since she was running for the

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1 board.
 2 Q. You said you called that person. You just
 3 called that --
 4 A. In other words, I called someone and said,
 5 I've gotten this package from this person;
 6 tell me a little bit about it; I see she's
 7 running for the board. She sent a very warm
 8 letter, but I didn't see a need to call her.
 9 She wasn't on the board.
 10 Q. But it wasn't about Mr. Lowe?
 11 A. Oh, no. That person was just welcoming me to
 12 the district.
 13 Q. Okay.
 14 When was the next time that you can recall
 15 having either a conversation with Mr. Lowe or
 16 contact with Mr. Lowe, some type of
 17 communication with him or about him, someone
 18 else contacting you about him?
 19 A. Sometimes I guess -- I can't really tell you
 20 when -- between the time I got here in
 21 December and maybe the end of the school year,
 22 if I recall. There was an e-mail that I
 23 received from Mr. Lowe expressing concern that

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1 he had been given approval by Mr. Looney and
 2 that approval -- to attend a conference and
 3 present on behalf of the district.
 4 And, again, Mr. Lowe still was at Daisy
 5 Lawrence School at that time. And while I did
 6 not get involved in the conversation, I know
 7 because the request for leave and so forth
 8 went through Mr. Looney through Mr. Barker
 9 that the question became did Mr. Lowe need to
 10 be the person presenting given his classroom
 11 teaching assignment, given that Montgomery
 12 Public Schools had a series of reading coaches
 13 who were trained reading coaches under the
 14 model that's used for the state as well as
 15 Mr. Looney was also the assistant
 16 superintendent for curriculum instruction and
 17 was heavily involved in our reading curriculum
 18 and the program in the district called
 19 Literacy Efforts, and perhaps why wasn't it
 20 someone who was trained who could be a
 21 spokesperson for the district. And that is
 22 something that's governed by policy about who
 23 would be the spokesperson for the district,

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1 and so I concurred with the decision that
 2 perhaps it needed to be someone else.
 3 Q. Let me show you Plaintiff's Exhibit 1 and ask
 4 you if this is the e-mail you're referring to.
 5 (Plaintiff's Exhibit 1 marked for
 6 identification.)
 7 A. It's pretty close. I said somewhere between
 8 the time I got here and --
 9 MS. CARTER: Two days later?
 10 THE WITNESS: Yeah.
 11 A. Yeah. I responded to him because I typically
 12 don't get involved in discussions on e-mails
 13 when I don't really know the issue. But I do
 14 want the person who is sending the e-mail to
 15 know at least I did receive the communication,
 16 and that seemed to be what I indicated.
 17 Q. Now, did you talk -- in making your decision
 18 to concur with the denial of the leave
 19 request, did you talk to Mr. Looney about it?
 20 A. I can't recall having a conversation with
 21 Mr. Looney per se. The conversations took
 22 place I think between Mr. Looney and
 23 Mr. Barker and them apprising me of the

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1 conversations back and forth.
 2 Q. Mr. Barker apprising you of the conversations
 3 back and forth?
 4 A. Yeah. Between he and Mr. Looney.
 5 Q. Was it your impression that Mr. Looney based
 6 on your conversations with Mr. Barker was not
 7 in favor of Mr. Lowe going to the seminar?
 8 A. That's what I understand.
 9 Q. So you were not aware that Mr. Looney thought
 10 it was something that Mr. Lowe could do or
 11 should do?
 12 MS. CARTER: Object to the form.
 13 When I say that -- I should have
 14 told you. When I say that, you
 15 can still answer his question.
 16 You can always answer his
 17 questions unless you hear me
 18 scream "don't answer that". You
 19 don't have to worry about it.
 20 It's no hidden message. It's
 21 just lawyer stuff.
 22 A. Ask your question again.
 23 MS. CARTER: I'm sorry. I messed

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1 you all up.
 2 Q. It was never communicated to you by anyone
 3 that Mr. Looney was in favor of Mr. Lowe going
 4 to this seminar?
 5 A. It was never communicated to me by anyone that
 6 Mr. Looney was in favor?
 7 Q. Yes.
 8 A. It was communicated to me that he was not in
 9 favor.
 10 Q. The opposite?
 11 A. The opposite, yeah.
 12 Q. But you never spoke directly to Mr. Looney?
 13 A. No. And I suspect also that the staff, they
 14 were pretty understanding that I was on the
 15 job I guess three days there, and they were
 16 not necessarily protecting me from things, but
 17 they were trying to give me time to get boxes
 18 unpacked and get on with an agenda that I had
 19 to deal with.
 20 Q. So would it be fair to say that your
 21 information that you received regarding this
 22 leave denial came solely through Mr. Barker?
 23 A. I believe so.

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1 Q. And the reason again that Mr. Lowe was not
 2 allowed to go to it is what now?
 3 A. Well, the district had a series of reading
 4 coaches on board, and I think this was about a
 5 reading program that we were using and
 6 discussing in our district. And Mr. Looney
 7 was well abreast of this area, too. And I
 8 think in any school district that I've worked
 9 in that typically the people you're sending to
 10 a conference to represent the district -- and
 11 obviously if he was asking for leave he was
 12 going to be representing Montgomery Public
 13 Schools -- that it ought to be someone who is
 14 familiar, who is working with the program and
 15 the initiative and who can, in fact, share
 16 that. And we do have a policy to talk about
 17 who is the spokesperson for the district. And
 18 on the one hand you think of that as it's the
 19 superintendent or another staff that you
 20 really want to be engaged in some of those
 21 conversations.
 22 Q. Was it your understanding that Mr. Lowe had
 23 not performed any duties in the area of being

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1 a reading coach?
 2 A. I think he had some experience in that but not
 3 a district reading coach as our model has set
 4 up district reading coaches. And there are
 5 some school-based reading coaches, but I'm
 6 talking about district reading coaches. Those
 7 folks are heavily engaged in a lot of training
 8 and experience with our state agency.
 9 Q. Did you understand that Mr. Lowe had been
 10 asked to speak at this by this particular --
 11 the folks putting on this particular seminar?
 12 MS. CARTER: Object to form. You
 13 can answer.
 14 A. I guess because he's writing to a
 15 Mrs. Hayward and saying -- Harwood -- that he
 16 regrets not being able to do that. But that
 17 in my opinion is no different than an issue
 18 that we're dealing with now: Who is the best
 19 person to go to a state conference and present
 20 on behalf of Montgomery Public Schools on the
 21 topic of uniform wearing in schools, that
 22 obviously it would have to be a person that
 23 has a lot of knowledge about that. I wouldn't

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1 just send anybody, and we're making a decision
 2 about who is the best person, and we don't
 3 really think we have a one best person, given
 4 the way our board policy is structured. So
 5 we'll probably send the two best people that
 6 we think can cover that discussion. So I
 7 don't see this as any different.
 8 Q. Do you know if anybody went from Montgomery
 9 Public Schools to this particular --
 10 A. I'm not sure.
 11 Q. -- seminar?
 12 So Montgomery may not have had a
 13 representative at all?
 14 A. Yes. But my experiences with national
 15 conferences is even when I've been approved
 16 myself to speak, if you don't show up, there's
 17 so much other stuff going on that one
 18 presenter missing is not going to stop a major
 19 conference.
 20 Q. Would that look negative to Montgomery if they
 21 didn't show up?
 22 A. I don't think so in the big picture. You
 23 know, I can remember the year I transitioned

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1 from the superintendency in Warren County to
 2 go to another job, and I was on the National
 3 Staff Development Council agenda, which is a
 4 huge conference, a national conference. And
 5 we had done some great work that I wanted to
 6 share, but it was just a simple matter of just
 7 saying I would love to come, but I'm in
 8 transition between two jobs and I regret that
 9 I won't be able to attend. All they do is
 10 they're going to print a flier agenda that
 11 says these topics have been deleted; there's
 12 not going to be a session in this room;
 13 presenter cancelled or whatever. I don't
 14 think it has any reflection on the district
 15 per se.
 16 Q. Were you aware that his principal had approved
 17 him for this seminar?
 18 A. I was not aware of that, no. But, again,
 19 because I've looked at what we're doing in our
 20 district and the number of requests that are
 21 made for attending conferences and meetings --
 22 I haven't gotten down into the school level,
 23 but I've put a limit on the number of days

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1 that even principals can go to conferences
 2 since I've been in place. That went in place
 3 the beginning of this school year. And then
 4 I've also said how many meetings could they
 5 attend outside the state of Alabama in terms
 6 of looking at what they are attending and the
 7 amount of time you're away from your school
 8 and the amount of money that we don't have to
 9 attend some of these conferences.
 10 Now, in my mind I also say -- when people
 11 say, well, what about the teachers; aren't you
 12 going to do that for the teachers, I say,
 13 well, if I were a principal in a building and
 14 I knew I could only travel so many days, I
 15 would be as principal setting some parameters
 16 for my teachers if you know you've got a
 17 problem with that. I'm going to control the
 18 principals because that piece does report
 19 directly to me. What a principal does in a
 20 school -- Of course, some of these things were
 21 put in place August of this school year as we
 22 started the new school year. And part of that
 23 came because I could look back at how many

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1 days our teachers were out of schools and so
 2 forth in the beginning to figure out when is
 3 it that we're teaching children if we have all
 4 these absences. They are not absences
 5 necessarily but these many requests for leave
 6 out of the building.
 7 Q. Were you aware that other leave requests for
 8 seminars had been denied Mr. Lowe?
 9 A. This is the one that I'm familiar with. I'm
 10 not familiar with others.
 11 (Brief off-the-record discussion
 12 followed by a brief recess.)
 13 Q. (Continuing by Mr. Patty) When Mr. Lowe
 14 applied to teach this seminar, do you know if
 15 there were any district level reading coaches
 16 at that point?
 17 A. I knew that there were district level reading
 18 coaches.
 19 Q. Didn't district level reading coaches come on
 20 later and there were not any at that
 21 particular time that Mr. Lowe wanted to go to
 22 the seminar?
 23 A. I don't know what they called them, but I do

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1 know that there was one person, because
 2 earlier or later in the spring, we received a
 3 report from the feds through the state
 4 department. And there was someone mentioned,
 5 and I raised questions about some of the
 6 feedback that the feds had written in the
 7 report. And that person seemed to have been
 8 assigned at the central office on third floor.
 9 Q. Who was the person you believe filled that
 10 position?
 11 A. I can't tell you the name. I just know that
 12 there was enough concerns in there that I was
 13 questioning the report itself in general and
 14 how we had faired. And the feds' evaluation
 15 and assessment of the district of that person
 16 was a person that was said needed to be more
 17 visible in the schools to help our principals
 18 and teachers, but I can't recall their name.
 19 Q. Do you remember what the title was?
 20 A. I don't recall the title, but it was a
 21 district-wise kind of position that should
 22 have served multiple schools.
 23 Q. So you don't think it would have been called a

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1 district reading coach at that time?
 2 A. It may not have been called a district reading
 3 coach, but that was the role in which they
 4 were to function.
 5 Q. Do you know if Mr. Lowe was -- when the
 6 reading coach position -- that program began
 7 if he was one of the first people hired in the
 8 school system working that program?
 9 A. I don't know that. That was before my time.
 10 Q. Do you know if he received training as a
 11 reading coach?
 12 A. Don't know that.
 13 Q. Were you aware of any presentations that
 14 Mr. Lowe prepared of a Power Point nature that
 15 were placed on the school web site?
 16 A. Not familiar with that.
 17 Q. What do you recall -- I don't want to go back
 18 over what you've told me, but is there
 19 anything else that you recall Mr. Barker
 20 telling you in your conversations with him
 21 regarding Mr. Lowe going to the seminar?
 22 A. I can't recall anything other than what we've
 23 already discussed.

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1 Q. Now, did you talk to Mr. Lowe directly after (
 2 that?
 3 A. I can't recall having a direct conversation
 4 with him.
 5 Q. Let me show you what I've marked as
 6 Plaintiff's Exhibit 2 and ask you if this is
 7 some correspondence you sent to Mr. Lowe.
 8 (Plaintiff's Exhibit 2 marked for
 9 identification.)
 10 A. Yes, I did send this. This was trying to
 11 catch up on correspondence that I had received
 12 when I was still back in Fayetteville from
 13 different people.
 14 MS. CARTER: If I may explain for
 15 the record for clarification,
 16 Dr. Purcell recalled that
 17 Mr. Lowe had written that letter
 18 before she came, but she couldn't
 19 find it nor could she find her
 20 response. But she knew she had
 21 gotten the letter and he had
 22 testified about it. So she went
 23 on her computer and just printed

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1 this out. So this isn't "the"
 2 copy obviously. We wanted to
 3 be --
 4 MR. PATTY: Right.
 5 MS. CARTER: We didn't intend for
 6 this to be a production of what
 7 was sent to him, but they printed
 8 out from her computer the letter
 9 that was drafted to him.
 10 Q. Other than it doesn't have your signature on
 11 it, do you recall if anything else was
 12 different from what you see as Exhibit 2 and
 13 what was sent to Mr. Lowe?
 14 A. What was sent to him was on formal
 15 letterhead.
 16 Q. Sure.
 17 A. And my signature was on it, but this is what I
 18 sent.
 19 Q. The substance of the letter was there. The
 20 typed part, what you actually wrote, was
 21 there?
 22 A. Yes.
 23 Q. And did you get any response back from

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1 Mr. Lowe regarding that letter?
 2 A. I can't recall that there was a response
 3 specific about this. I recall there may have
 4 been another e-mail from Mr. Lowe, but I don't
 5 think it was specifically about this piece.
 6 Q. Do you recall having a meeting with Mr. Lowe
 7 in January of 2005?
 8 A. I can't recall the details of having -- what
 9 that meeting may have been about. I do know
 10 that there was meeting. I don't even recall
 11 the time. There was a meeting where he
 12 stopped in my office one day and asked for an
 13 appointment. He brought some materials. I
 14 can remember them being in a blue notebook.
 15 And in that blue notebook, I remember
 16 Goldenrod sheets of paper with perhaps a focus
 17 on at-risk children or programs and services
 18 that he was sharing with me. I don't remember
 19 the details of the notebook.
 20 Q. Tell me everything that you can remember of
 21 your conversation with him then, what he said
 22 and what you said.
 23 A. I really can't recall that conversation.

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1 Q. Okay.
 2 A. I know he wanted me to look at that notebook
 3 because it was some information he gathered
 4 and thought some of that could be helpful for
 5 our children. And regrettably in my
 6 transition from the hotel to the house, I
 7 misplaced that notebook in moving out of the
 8 hotel room. So I can't even say where that is
 9 exactly.
 10 Q. Do you recall Mr. Lowe telling you during that
 11 meeting that he had filed an EEOC complaint?
 12 A. I don't recall that.
 13 Q. When is your next time that you either had
 14 some communication with Mr. Lowe or had
 15 communication with a third party about
 16 Mr. Lowe after that?
 17 A. Frankly, I can't recall exactly when that
 18 could have been, but it looked like there was
 19 another communication that Mr. Lowe sent me.
 20 Q. Let me show you what I'll mark as Plaintiff's
 21 Exhibit 3 and ask if you recall receiving that
 22 document.
 23 (Plaintiff's Exhibit 3 marked for

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1 identification.)
 2 A. I recall seeing this before, and I can't
 3 really say whether this was associated with
 4 the blue notebook or not, but I do recall
 5 seeing that.
 6 Q. Let me show you what I've marked as Exhibit 4,
 7 and it's dated February 16, 2005. Do you
 8 recall this document?
 9 (Plaintiff's Exhibit 4 marked for
 10 identification.)
 11 A. Uh-huh (positive response). I recall seeing
 12 it now that I see it.
 13 Q. So you did receive Exhibit 4?
 14 A. Uh-huh (positive response). And, in fact,
 15 it's noted file, Daisy Lawrence. That is my
 16 writing.
 17 Q. Where it says file, Daisy Lawrence, that's
 18 your writing?
 19 A. Yes.
 20 Q. Just for the record, the uh-huhs are difficult
 21 for her to take down --
 22 A. Yes.
 23 Q. So you did receive Exhibit 4?

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1 A. Yes.
 2 Q. And in this letter do you recall -- it's dated
 3 February 16, 2005. Do you remember if you
 4 would have received this letter before or
 5 after your meeting with Mr. Lowe?
 6 A. Let me look at it again. I'm not sure of
 7 that, and I asked to look at it again because
 8 sometimes -- usually I will put the date that
 9 I write something, and I was looking to see if
 10 it was there. I can't recall that.
 11 Q. Do you keep a notebook or calendar or
 12 something that will show who you meet with
 13 each day?
 14 A. That's pretty typical unless an appointment is
 15 made at the very last minute or something
 16 happens on the same day. It may not be
 17 recorded. But pretty much things that are
 18 scheduled prior to are noted.
 19 Q. Do you keep notes of the meetings that you
 20 have?
 21 A. Sometimes I do and sometimes I don't.
 22 Q. Have you looked to see if you have any notes
 23 of your meeting with Mr. Lowe in 2005?

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1 A. I probably don't have any notes with Mr. Lowe
 2 in 2005.
 3 Q. Do you have anything that would document when
 4 you met with him on your calendar?
 5 A. I would have to go back and look at the
 6 calendar -- I did not look at it -- my
 7 calendar or my secretary.
 8 Q. And this letter, Plaintiff's Exhibit 4, says
 9 that Mr. Lowe wants to speak with you. It
 10 says, it's urgent I speak with you regarding
 11 legal pressures that have been placed on me
 12 regarding my employment discrimination suit.
 13 Does this refresh your recollection of
 14 whether he had mentioned anything to you about
 15 an EEOC complaint or a discrimination claim?
 16 A. Until I saw it there, I did not recall the
 17 actual date.
 18 Q. Does that refresh your recollection if he
 19 mentioned it in your meeting with you?
 20 A. I can't remember the nature of the
 21 conversation, but I'm sure if he had a meeting
 22 that it was centered around that letter.
 23 Q. After you received Plaintiff's Exhibit 4, what

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1 S-C-H. What does that --
 2 A. School.
 3 Q. Where did this piece of paper go then? What
 4 happened to it after you received it?
 5 A. That piece that -- All of our schools have a
 6 file, and so typical issues that are
 7 associated with a school also get filed in a
 8 school file, but there also could be another
 9 file where information is filed as well. We
 10 just have double copies of things.
 11 Q. Do you recall speaking with Mr. Barker about
 12 this letter at all?
 13 A. I don't recall that.
 14 Q. Did you talk to Mr. Lowe about this letter at
 15 all?
 16 A. Not sure. But if there's an EEOC case, I am
 17 certain that at some point Mr. Barker and I
 18 may have had a conversation about it because
 19 we discuss those cases when they come in.
 20 Q. What about -- I'm just trying to make sure
 21 I've covered everything. You don't remember
 22 speaking to anyone about this particular
 23 letter once it came in?

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1 did you do regarding what had been
 2 communicated to you in this document?
 3 A. I am not sure that I did anything, yeah.
 4 Q. So did you talk to Mr. Barker about
 5 Plaintiff's Exhibit 4?
 6 A. Typically what happens with cases we receive
 7 is that perhaps maybe once every couple of
 8 weeks, either Mr. Barker or Ms. Linda
 9 Robinson, my chief of staff, we sit and review
 10 cases. But they are pretty much taking notes
 11 and taking the details of what I want to
 12 happen with cases or positions I think the
 13 district should take.
 14 Q. And those would be notes that -- Who would
 15 keep those notes who would be writing those
 16 notes and where would they be kept?
 17 A. I may write general little notes in the margin
 18 of a case and say passed on to Linda Robinson,
 19 passed on to Mr. Barker. And we have them in
 20 my office filed alphabetically in a file, but
 21 Ms. Robinson probably has her system and
 22 Mr. Barker has his system of filing.
 23 Q. Where you wrote file, Daisy Lawrence --That's

Page 6

1 A. I can't recall the details. But, like I said,
 2 when we get EEOC cases, Mr. Barker and I will
 3 typically talk about them because they are
 4 usually a personnel matter and/or Linda
 5 Robinson, if they were special ed cases more
 6 or less and not EEOC cases.
 7 Q. What is the significance of the March 8, 3:30
 8 notation on the letter?
 9 A. I'm not sure what that is, and I looked at it
 10 and I thought it might have been my
 11 administrative assistant's handwriting, but
 12 I'm not sure that's even hers. I'm not sure
 13 what that is. It could be that if she
 14 scheduled an appointment -- I'm not sure whose
 15 writing.
 16 Q. Did you have any other communications after
 17 that letter with Mr. Lowe that you recall or
 18 communications with third parties about
 19 Mr. Lowe that you recall?
 20 A. There seemed to be some e-mail communication.
 21 Q. Let me show you what I marked as Exhibit 5 and
 22 ask you if this is the next e-mail
 23 communication you recall regarding Mr. Lowe.

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1 (Plaintiff's Exhibit 5 marked for
 2 identification.)
 3 A. I recall this one, that it came in.
 4 Q. Do you recall -- Between Plaintiff's Exhibit 4
 5 and Plaintiff's Exhibit 5, do you recall any
 6 e-mail communication regarding Mr. Lowe?
 7 A. I can't recall any.
 8 Q. Do you recall any verbal communication
 9 regarding Mr. Lowe or with Mr. Lowe between
 10 Plaintiff's Exhibit 4 and 5?
 11 A. And I can't recall any of those.
 12 Q. Let me take you to a conference that was held
 13 at Daisy Lawrence in the spring of 2005. Do
 14 you recall going to Daisy Lawrence and
 15 speaking with them about -- to the staff there
 16 about the plans for the school?
 17 A. Yes. If you're talking about that, I do
 18 recall that meeting -- Mr. Barker and I went
 19 over -- and specifically talking to Mr. Lowe.
 20 Per se. I didn't have a conversation with
 21 him -- I didn't go to the school with that
 22 purpose in mind. I went to the school with
 23 the purpose of talking to the entire faculty

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1 and staff and asked Dr. Owens to convene his
 2 staff in a location that would hold all them
 3 and that they could still have oversight of
 4 the children because school was still in
 5 session but felt it was important to address
 6 the issues of the closing of the school with
 7 the personnel involved.
 8 Q. And what did you tell the faculty and staff
 9 about the closing of the school?
 10 A. That all personnel who were certified would be
 11 reassigned and Mr. Barker would work through
 12 those assignments based upon vacancies in
 13 other locations. In addition, that assistance
 14 would be provided to them through Mr. Adams,
 15 our operations director, to relocate and move
 16 their items and belongings and that we were
 17 going to make this a smooth transition. I
 18 probably espoused my views that young children
 19 typically in an alternative setting needed to
 20 be integrated back into a traditional school
 21 setting and not separated, and that was the
 22 reason for the move. I recall talking a
 23 little bit about the savings of monies that

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1 were going to be involved. We had a very
 2 small number of students with a multiple
 3 number of faculty.
 4 I think then after that maybe some of the
 5 staff might have come and asked me questions
 6 one on one.
 7 Q. Did you talk to Mr. Lowe one on one?
 8 A. I think Mr. Lowe did come up and ask questions
 9 one on one as well as a couple other people.
 10 Q. What do you recall about your conversations
 11 with him?
 12 A. I can't recall specific conversation, but
 13 probably just reiterating the fact that the
 14 certified personnel would be addressed and
 15 reassigned and any other concerns would have
 16 to come through Mr. Barker's office in terms
 17 of reassignment.
 18 Q. And did you talk to any -- What do you recall
 19 about the one-on-one conversations with other
 20 persons there at the meeting? Do you remember
 21 who you talked to or any of the substance of
 22 those conversations?
 23 A. Pretty much I think when people came and asked

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1 those questions, those who were not classroom
 2 teachers, what would happen to them if they
 3 were certified and/or had tenure with the
 4 district, I told them a position would be not
 5 necessarily created for them, but we would
 6 look and do our very best to reassign all
 7 those who were certified tenured individuals
 8 as well as those who were classified and
 9 tenured.
 10 Q. So you had -- you said that the people who
 11 were classified tenured you would try to
 12 reassign those --
 13 A. As well, yes.
 14 Q. And do you recall who -- Do you recall if all
 15 the certified employees were reassigned?
 16 A. I'm going to sit here and say I don't know all
 17 the people who were at Daisy Lawrence. I
 18 guess the four people who stand out in my mind
 19 who were reassigned are those three
 20 individuals who are the teachers of the new
 21 alternative sites that we have at three
 22 different elementary schools and a counselor
 23 who was reassigned. I do recall those four,

17 (Pages 65 to 68)

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1 and I don't know them all by name, but I
 2 recall that because I visited those programs
 3 to make sure they were working as we intended
 4 for them to work.
 5 Q. But do you recall any certified employees at
 6 Daisy Lawrence who did not get reassigned?
 7 A. I can't think of any.
 8 Q. Well, obviously Mr. Lowe didn't get
 9 reassigned, right? You're aware of that, that
 10 he did not get reassigned?
 11 A. Well, I indicated to you earlier we said
 12 certified and tenured personnel.
 13 Q. Well, now, were there any certified personnel,
 14 whether they were tenured or not tenured,
 15 other than Mr. Lowe that did not get
 16 reassigned to your knowledge?
 17 A. I don't recall.
 18 Q. How many nontenured certified personnel were
 19 at the school? Do you know?
 20 A. I don't recall the exact number. It was a
 21 staff I guess of twelve to thirteen people
 22 totally. I may be wrong on that number.
 23 Q. How many positions -- How many job openings

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1 were there this summer for Montgomery Public
 2 Schools for teachers?
 3 A. I don't know. I'm going to defer to
 4 Mr. Barker on that one.
 5 Q. And I meant certified teachers. I didn't mean
 6 classified employees. But do you remember how
 7 many teacher positions were available?
 8 A. Absolutely not. I know that we entered the
 9 school year going into the hiring season as
 10 well as coming out of the major hiring season,
 11 that we were going to start the school year
 12 off with a deficit in the number of science
 13 and math teachers that we needed and spent
 14 time addressing that with our principals in
 15 terms of how to handle that.
 16 Q. How many employees -- certified employees are
 17 there in the school system?
 18 A. There are 4200 employees. I would say about
 19 twenty-six or twenty-seven hundred of them are
 20 certified and others are support personnel.
 21 Q. Do you know if a position was offered to
 22 Mr. Lowe for employment this past summer?
 23 A. If you're talking about a position offered to

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1 him through approval of the board, I don't
 2 think so.
 3 Q. Did you recommend him for any position with
 4 the school system?
 5 A. I have not taken a recommendation to the board
 6 I don't think with Mr. Lowe's name on it.
 7 Q. Have you received a recommendation for him?
 8 A. Through Mr. Barker's office a recommendation
 9 might have been received, yes.
 10 Q. Which position? Do you recall?
 11 A. It probably was at Paterson Elementary.
 12 Q. And who was the principal there?
 13 A. The new principal was Mr. -- Dr. Owens, who
 14 was moved from Daisy Lawrence over to
 15 Paterson.
 16 Q. And what was the position for?
 17 A. In the area of reading, reading coach.
 18 Q. And that was a position that Mr. Lowe had
 19 worked in before?
 20 MS. CARTER: Object to form.
 21 THE WITNESS: Is that one I answer?
 22 MS. CARTER: Yes.
 23 (Brief off-the-record discussion.)

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1 A. It may have been a similar position but one
 2 that I certainly had concerns about in terms
 3 of the overall makeup of that particular
 4 school.
 5 Q. So Dr. Owens wanted to hire Mr. Lowe this
 6 summer for a reading coach position. Was
 7 Mr. Lowe certified for that position?
 8 A. I'm not sure necessarily about certified for
 9 the position as much as it seemed that that
 10 recommendation from Dr. Owens had come outside
 11 of the process that the district used. We
 12 have an elementary person who is pretty much
 13 coordinating the whole efforts of the reading
 14 initiative in our district under the
 15 supervision of Mr. Lynheart (phonetic) who is
 16 our assistant superintendent, and they had a
 17 process of screening people through that
 18 committee. And there was already a pool, and
 19 that one seemed to have come from outside the
 20 pool without going through the screening
 21 committee, and that was the concern.
 22 Q. Was the screening committee just for reading
 23 coaches?

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1 A. That's pretty much what they were in place
 2 for.
 3 Q. When was the committee -- when did it start
 4 being used for -- When did reading coaches
 5 start being hired through that committee?
 6 A. I'm going to have to defer to Mr. Barker to
 7 answer that, but I do know that's the process
 8 and he's going to have to give you the date.
 9 I don't know exactly when it went in place,
 10 but there was a screening process.
 11 Q. Is there any other committee used with
 12 certified personnel besides reading coaches?
 13 MS. CARTER: For teaching-type
 14 positions?
 15 MR. PATTY: Certified personnel,
 16 yeah.
 17 A. When you said screening committee, you mean
 18 that is in lieu of the actual other processes
 19 we have in place? I think the reading coaches
 20 is the only one.
 21 Q. And generally you told me that when a
 22 principal recommends an employee and that
 23 employee is properly certified, the practice

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1 has been for that employee to be hired; is
 2 that right?
 3 MS. CARTER: Object to form.
 4 A. That is typical -- That is what I said, but
 5 also if you know a little bit about what's
 6 going on around the country in terms of
 7 literacy coaches and reading coaches, most
 8 districts also have in place -- And this
 9 screening process is not atypical to the one
 10 that I just left in Cumberland County that we
 11 put in place, but I would say that ours was a
 12 little bit more rigid than --
 13 Q. When did -- This committee, do they keep notes
 14 of their interviews?
 15 A. I'm sure they must keep something, but I'm not
 16 sure about the details because they have to
 17 then, I suspect, make a recommendation back
 18 through Mr. Lynheart and/or Dr. Thomas down to
 19 Mr. Barker.
 20 Q. And did Mr. Lowe not go through the committee
 21 as your understanding or did he not just --
 22 A. It was my understanding he did not go through
 23 the committee and there were other people that

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1 might have been in the pool and had not been
 2 given an opportunity.
 3 Q. So your understanding is that he had not gone
 4 through the interviewing process with this
 5 committee?
 6 A. That's my understanding. And, quite frankly,
 7 Dr. Owens may not have been as a new principal
 8 at that school aware of that screening process
 9 because he had been in an alternative school.
 10 Q. Well, since this was somebody Dr. Owens
 11 wanted, was Mr. Lowe told to go back and go
 12 through the screening committee --
 13 A. I'm not sure what was communicated to him.
 14 Q. Let me back up again.
 15 Do you know if Mr. Lowe is certified for
 16 that position or that he had the certification
 17 for it?
 18 A. I'm not sure. I would need to look at the
 19 file.
 20 Q. Were you told if he was qualified for that
 21 position?
 22 MS. CARTER: Object to form.
 23 A. I was told that there were other applicants

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1 who had far more experience and
 2 qualifications -- not experience but
 3 qualifications than he did, and so they went
 4 through the process.
 5 Q. I'm just asking do you know if he was -- is it
 6 your understanding he was qualified for that
 7 position, though?
 8 MS. CARTER: Object to form.
 9 A. Is it my understanding that ...
 10 Q. That Mr. Lowe was qualified for the position.
 11 MS. CARTER: Same objection.
 12 A. I'm going to defer on that one to Mr. Barker.
 13 Q. So you don't know?
 14 A. I don't know because I don't sit and
 15 absolutely look at every file.
 16 Q. Now, who is on the committee that would have
 17 been screening the reading coaches?
 18 A. Ms. Connie Mizell is the person who would
 19 coordinate that, and I'm not sure of who she
 20 had on the committee per se.
 21 Q. Has Ms. Mizell been placed on administrative
 22 leave within the last year?
 23 A. I can't recall.

19 (Pages 73 to 76)

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1 Q. Are you aware of any allegations against
 2 Ms. Mizell of any kind of racial
 3 discrimination or hostile environment based on
 4 race?
 5 A. I remember conversations about it.
 6 Q. What was that?
 7 A. That there may have been some concerns, and
 8 I'm not so much sure if it was that as that it
 9 was Ms. Mizell was a principal at one of our
 10 schools, and there may have been lots of
 11 involvement in that school that she had
 12 formerly been a principal in.
 13 Q. Could you explain a little bit more than
 14 that? I don't understand.
 15 A. Well, I think typically it's when you're in a
 16 position, you don't want to have people
 17 constantly back in that position dithering and
 18 dabbling in a school. And it seemed that she
 19 had had some involvement in that school about
 20 personnel.
 21 Q. What was the allegation made against her that
 22 was of a racial nature?
 23 A. I'm not sure of the details so much being

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1 racial as some other things, and I'm going to
 2 let Mr. Barker -- because he has sat in on
 3 that and it was at the administrative level,
 4 and it was not anything that has been actually
 5 filed I don't think.
 6 Q. Do you know when that allegation came up?
 7 A. That seemed to have come up within, I would
 8 say, the early fall of this school year.
 9 Q. Fall of 2005?
 10 A. Yes. 2005. Maybe late fall.
 11 Q. Are you aware of any other positions that a
 12 principal recommended to hire Mr. Lowe and he
 13 was not hired in the summer of 2005?
 14 A. I can't recall any.
 15 Q. Tell me again, in making -- Who would be the
 16 decisionmaker of whether or not Mr. Lowe was
 17 hired in the summer of 2005?
 18 MS. CARTER: Object to form.
 19 A. In regard to which position?
 20 Q. Well, the one position you say you were aware
 21 that he had been recommended by the principal
 22 for.
 23 A. The only discussion that I've been involved in

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1 and know something about is Paterson. And
 2 there have been other situations I guess that
 3 have come up in discussion since all of this
 4 has been going on, but I'm not familiar with
 5 the details of all those. But the details of
 6 Paterson I've really been more familiar with.
 7 Q. Who would have made the decision on Paterson?
 8 MS. CARTER: Object to form.
 9 A. The final decision itself still rested -- came
 10 through Mr. Barker and others involved, but it
 11 was pretty much my feelings because I've had
 12 conversations with teachers in that building,
 13 conversation with the last principal who was
 14 there, conversation with volunteers who were
 15 extremely concerned that perhaps our most
 16 needed children in the district were not
 17 receiving the quality and the caliber of
 18 personnel that they needed that other schools
 19 were receiving and asked that I certainly be
 20 aware of that as we placed new leadership
 21 there as we looked at that school, and
 22 probably that the school was not performing at
 23 a high level and so we needed the most

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1 qualified people there we could place.
 2 Q. And when was it you took that type of concern
 3 with Paterson?
 4 A. Probably in March '05 I want to say. The
 5 principal retired quite suddenly. She was an
 6 only child, and her father was very ill and
 7 she needed to go home. And we placed an
 8 interim person there. And as we came to the
 9 end of the school year, then we had to assign
 10 a principal. And it was in between that time
 11 that I met with teachers, teachers who shared
 12 with me that many people thought that perhaps
 13 because of the way Paterson looked and what
 14 perceptions people had, that there were
 15 teachers who were very committed to wanting to
 16 be in that school but they just needed the
 17 right people there to help them to do the work
 18 that they were very much committed to doing.
 19 They didn't want to go to other schools, but
 20 they felt they could have success with this
 21 population of children.
 22 The principal shared some of the concerns
 23 as she was leaving quite suddenly to resign,

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1 and then we have some active volunteers in
 2 that school who likewise shared concerns that
 3 there was potential there with the children
 4 but only if we had a very highly qualified
 5 staff to come in and do some of the things in
 6 the areas they needed to have focused on.
 7 So as a superintendent, I would take
 8 interest in any school that you hear those
 9 kind of concerns as well as the fact the
 10 school is on the state school improvement list
 11 along with several of our others.
 12 Q. And to that end, you ended up hiring Dr. Owens
 13 to be the principal of the school?
 14 A. At that point where we were in the school
 15 year, we had to assign individuals who had
 16 tenure, and so Dr. Owens was that person. And
 17 then I certainly was concerned that other
 18 people added to that building would be highly
 19 qualified.
 20 Q. You wanted -- I'm sure you -- Dr. Owens is a
 21 contract principal, right?
 22 A. Yes.
 23 Q. And when you made your assignment of him to

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1 that school, then I take it you wanted to make
 2 sure you had who you felt like was the best
 3 principal of that school given your concerns
 4 for that school?
 5 A. The best principal that we could place there
 6 and/or the best principal or person that we
 7 could assign to that school and have all
 8 personnel assigned who were entitled to
 9 positions.
 10 Q. Is there anything with regard to Dr. Owens
 11 that would negatively impact your opinion as
 12 to his judgment for personnel that he wanted
 13 to hire?
 14 A. I don't know a lot about all of the individual
 15 principals in the district. I'm still
 16 learning them. I recall reviewing his PEPE
 17 evaluation, and that seemed to have had the
 18 required score to continue on as a principal.
 19 Q. So you don't know anything that would -- does
 20 that mean that you don't know anything that
 21 would lead you to have a negative opinion as
 22 to his ability or his opinions of who to hire
 23 for his school?

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1 A. I'm not sure that it's a negative opinion, but
 2 I think principals who are typically in
 3 alternative schools have not had the full
 4 array of programs to work with and as detailed
 5 programs to work with as principals in
 6 traditional grade level structured schools.
 7 So perhaps that concern only, and becoming
 8 familiar with the full curriculum that
 9 probably was not a total part of an
 10 alternative school setting and also the size
 11 of the schools. While Paterson is not a large
 12 school -- I mean, we're talking about a school
 13 that while it had a multiple number of
 14 children, at any given time you're talking
 15 about maybe 25, 30 kids in the building at one
 16 time versus 200 plus kids.
 17 MS. CARTER: You said Paterson, and
 18 I think when you meant 25 kids
 19 you're talking about Daisy
 20 Lawrence.
 21 A. Daisy Lawrence, yes. I'm sorry.
 22 Q. I guess my question is this: Is there any
 23 reason or what would be the reason, other than

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1 this about the committee selection process,
 2 for not giving the deferment to a principal
 3 like Dr. Owens when he wanted to hire
 4 Mr. Lowe?
 5 A. I suspect mainly that if you had a process in
 6 place like that for screening a reading coach
 7 in the district and you ignore the process
 8 that we wouldn't just be sitting here dealing
 9 with this issue today. We would be dealing
 10 with some other issues from people who feel
 11 they have just been ignored and have not gone
 12 through the process, and they are very
 13 familiar with the fact that the structure is
 14 in place for the hiring and recommendation
 15 process -- recommendation and then hiring.
 16 Q. But my question is, is there anything about
 17 Dr. Owens that is unique to him that would --
 18 that you would not give his opinion as to who
 19 to hire the same weight as another principal?
 20 MS. CARTER: Other than what she's
 21 already testified to?
 22 MR. PATTY: Well, that's what I'm
 23 trying to get.

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1 A. No. I pretty much said it. I had the
 2 feedback from teachers, from the volunteers in
 3 that school that are very committed and their
 4 concerns about wanting to create the kind of
 5 school that the children there deserved. And
 6 so I think that when you have a school like
 7 that that you will tend to dabble and dabble
 8 to some extent as the superintendent. At the
 9 end of the day, the ownership is going to be
 10 on my shoulder whether we can pull that school
 11 out of the situation it's in, so I need to
 12 have some concerns and interest in it.
 13 Q. These communications with teachers, though,
 14 that wasn't about Dr. Owens, was it?
 15 A. The communication with teachers?
 16 Q. You said you had some communication -- I'm
 17 sorry. Not with teachers but with people
 18 about the type of school they wanted to create
 19 and everything. But that wasn't indicative of
 20 Dr. Owens?
 21 A. No, that wasn't about Dr. Owens, but obviously
 22 that weighed into my decisions.
 23 Q. Well, I guess I'm just not -- would there be

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1 anything about Dr. Owens that would discount
 2 the weight you would give his opinion versus
 3 another principal in the school regarding
 4 hiring an employee?
 5 MS. CARTER: Object to the form.
 6 Other than what she's already
 7 testified to about him being at
 8 the alternative school?
 9 MR. PATTY: Well, don't --
 10 MS. CARTER: Well, that was her
 11 testimony. I'm not giving --
 12 MR. PATTY: No.
 13 MS. CARTER: That's what she
 14 testified about, and you keep
 15 asking her the same question.
 16 MR. PATTY: No, I don't -- I don't
 17 think I've gotten a direct answer
 18 to it. And if I get one, then
 19 that's fine, but I don't think I
 20 have yet.
 21 MS. CARTER: I mean, I object to
 22 that. You may not have gotten
 23 the answer you wanted, but I

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1 think she explained. But okay.
 2 The testimony is what it is.
 3 MR. PATTY: Can you read it back?
 4 (Off-the-record discussion)
 5 (The immediately preceding question
 6 was read back by the court
 7 reporter)
 8 MS. CARTER: Object to form.
 9 A. There are 38 schools in our district on -- in
 10 school improvement, and 33 of those schools
 11 are Title I schools. So anything that comes
 12 up in those 33 probably more than those other
 13 five, because they are not in the same
 14 predicament, I'm going to have some concerns
 15 and some involvement of what happens in
 16 there. The training that principals go to,
 17 they can choose some of it. But if I see some
 18 of it that is going to benefit them and they
 19 need to go to it, those kind of things I am
 20 going to be involved in.
 21 Q. I get that you would have more involvement in
 22 those schools. You say that schools that are
 23 trouble schools you have more involvement, but

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1 I'm trying to see if there's anything personal
 2 to Dr. Owens that makes his judgment as a
 3 principal on hiring an employee or
 4 recommending to hire an employee carry less
 5 weight than any other principal in the system.
 6 MS. CARTER: Object to form.
 7 A. No different than what I would have with those
 8 other 33 and, for that matter, I guess all 60
 9 of them.
 10 Q. That's fair.
 11 Who was hired instead of Melvin Lowe for
 12 the position at Paterson?
 13 A. I don't recall the name of the person.
 14 Q. Do you recall if they were white, black, male,
 15 female?
 16 A. I don't know the person's name. I don't know
 17 what they look like. If they walked in here
 18 right now, I couldn't tell you who they are.
 19 Q. Lady? Man?
 20 A. I don't know the answer to that, but I do know
 21 we followed the process that had been put in
 22 place.
 23 Q. If you don't know who it is, how do you know

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- 1 they are more qualified?
- 2 A. Because hopefully if they went through the
- 3 process and Ms. Mizell, who is highly
- 4 qualified to do the work that she's doing, has
- 5 given a recommendation to Mr. Barker,
- 6 hopefully it cleared the hurdles that they go
- 7 through in personnel to bring a recommendation
- 8 to me.
- 9 Q. So you're basically going again on what
- 10 Mr. Barker tells you?
- 11 A. Many of the personnel that we put in place is
- 12 pretty much that because I'm not involved down
- 13 at that level except that I do want to know
- 14 that the processes and procedures have been
- 15 put in place. And if we have deviated from
- 16 it, I want to know it before I take a
- 17 recommendation in to the board to say this one
- 18 kind of came out of the framework.
- 19 Q. Did you ask -- So, again, with regard to this
- 20 position at Paterson, you relied on what
- 21 Mr. Barker had informed you had occurred in
- 22 the hiring process?
- 23 A. Yes.

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- 1 Q. Did Mr. Barker have a recommendation of which
- 2 way you should go, that you should go with
- 3 this person from Mizell's committee or that
- 4 you should go with Mr. Lowe?
- 5 A. The name he brought to me was probably coming
- 6 out of the committee because that was the
- 7 structure put in place.
- 8 Q. But you testified earlier he mentioned
- 9 something about Mr. Lowe being recommended.
- 10 A. That was before we went back and followed the
- 11 procedure that had been put in place, which
- 12 was the screening process.
- 13 Q. Do you recall if Mr. Barker recommended not to
- 14 hire Mr. Lowe when he spoke to you about it?
- 15 A. Mr. Barker's statement to me was not to not
- 16 hire Mr. Lowe. It was that we had not gone
- 17 through the process and procedure, and we
- 18 could not justify not going through the
- 19 required process that had been already
- 20 established.
- 21 Q. Now, let me ask you -- I'm trying to
- 22 understand the time line. Mr. Barker comes
- 23 with Mr. Lowe's name and says he's

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- 1 recommended, but they haven't gone through
- 2 this process. After that conversation, is
- 3 that when the interviews took place and then
- 4 these names were generated from Mizell?
- 5 A. Yes. Because we went back through the
- 6 process.
- 7 Q. Now, how long a time frame is that that that
- 8 took place?
- 9 A. I have no idea.
- 10 Q. Is it one name, two names, three names that
- 11 come out?
- 12 A. I'm not sure of that either.
- 13 Q. And do you know if there's anything that --
- 14 document-wise that that committee creates to
- 15 show the criteria that they use or to show how
- 16 the person responded to that criteria?
- 17 A. I suspect there is, but I'm going to defer to
- 18 Mr. Barker for that.
- 19 Q. So the committee would have met, then, after
- 20 Mr. Lowe had asked to have this position and
- 21 after you were aware that Dr. Owens wanted him
- 22 for that position? Then the committee has
- 23 this interview process?

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- 1 MS. CARTER: Object to form.
- 2 A. Yeah. That's what I said a few minutes back.
- 3 Q. Do you know if Mr. Lowe was informed of that
- 4 screening process that was going to take place
- 5 or how that was to take place?
- 6 A. I'm not sure but I would think so.
- 7 Q. How many conversations do you think you had
- 8 with Mr. Barker regarding that position?
- 9 A. I would probably say no more than two or
- 10 three.
- 11 Q. Do you remember any e-mails or notes made
- 12 regarding those conversations?
- 13 A. I'm not sure.
- 14 Q. And would you have -- did you talk to
- 15 Dr. Owens about who he wanted to hire?
- 16 A. No, I did not have that conversation directly
- 17 with him.
- 18 Q. Did Mr. Barker relate to you about talking to
- 19 Dr. Owens?
- 20 A. I think he did share that he had spoken with
- 21 Dr. Owens and said we had to go through the
- 22 process.
- 23 Q. And anything else you remember he said that

23 (Pages 89 to 92)

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1 Dr. Owens had told him?
 2 A. I can't recall anything.
 3 Q. How do principals become aware of the
 4 screening process for these reading coaches?
 5 A. I would suspect our traditional principals
 6 have long been familiar with the process. And
 7 when I say long been familiar with the
 8 process, as long as if their schools qualified
 9 for such a position, they knew that position
 10 was in place. And I guess that goes back to
 11 what I was saying before, that a principal who
 12 is in a larger school who has a full access
 13 and array of programs versus one who has been
 14 in a smaller school who may not have taken
 15 advantage of the whole process. And I think
 16 that's where we help principals understand the
 17 details from our role in central office.
 18 Q. You were certainly aware at the time that
 19 Mr. Owens -- that Mr. Lowe had filed an EEOC
 20 complaint and a lawsuit at the time this was
 21 going on; is that correct?
 22 MS. CARTER: Object to form.
 23 A. Yes. From documentation.

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1 Q. Did you and Mr. Barker discuss that?
 2 A. I don't remember that -- I don't recall that
 3 being attached to the lawsuit and EEOC.
 4 Q. Mr. Owens -- Lowe had written you -- we've
 5 identified Plaintiff's Exhibit 5 -- in June
 6 22, 2005. That's an e-mail you received,
 7 isn't it?
 8 A. Yes. As I said, I recalled the format and the
 9 way it looked, but I didn't deal with the
 10 details in here -- I mean, at the table right
 11 now. I didn't deal with the details. I'll
 12 look back at it.
 13 Q. You recall receiving Plaintiff's Exhibit 5,
 14 right?
 15 A. I recall that.
 16 Q. In this e-mail Mr. Lowe talks about how he's
 17 had a conversation with Dr. Owens who has told
 18 him that basically because of his lawsuit he's
 19 going to not be treated fairly with the school
 20 system.
 21 What did you do upon receiving this letter
 22 to make sure that this wasn't true?
 23 A. I probably didn't respond to that in terms of

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1 making sure it wasn't true. I think those are
 2 Dr. Owens' statements to him, and I don't
 3 think that anybody at central office had any
 4 intent of dealing with that at that level.
 5 Those are just one person's perception in my
 6 opinion.
 7 Q. Let me ask you this: Did you interview
 8 Dr. Owens after Plaintiff's Exhibit 5?
 9 A. Interview him?
 10 Q. Yes. Did you talk to Dr. Owens after
 11 Plaintiff's Exhibit 5 to see --
 12 A. No, I did not.
 13 Q. -- where he was coming from with these
 14 statements?
 15 A. No.
 16 Q. Did you talk to Mr. Barker about Plaintiff's
 17 Exhibit 5?
 18 A. I recall I think sharing that with Mr. Barker
 19 but not having a detailed discussion. I
 20 suspect -- I don't recall anything, but I
 21 suspect because there are other people who
 22 have complaints and cases with the system that
 23 I would like to believe that we aren't just

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1 doing what Dr. Owens is suggesting there.
 2 We're just dealing with the issue.
 3 Q. What is the process or procedure involved when
 4 you received a complaint like Plaintiff's
 5 Exhibit 5 that a principal is saying allegedly
 6 to an employee that he's not going to be
 7 treated fairly by central office and the
 8 administration because of his filing a lawsuit
 9 and EEOC complaint?
 10 A. I don't recall if Mr. Barker dealt with it,
 11 but I did not deal with it because, again as I
 12 indicated, it's a perception of one person.
 13 It's not in my opinion a factual perception.
 14 Q. Right. I understand your testimony is you
 15 didn't do anything regarding Plaintiff's
 16 Exhibit 5; is that right?
 17 A. Yes.
 18 Q. Now, I'm trying to get -- what is the
 19 procedure and the policy of the school for
 20 handling a complaint like Plaintiff's Exhibit
 21 5?
 22 A. I suspect --
 23 MS. CARTER: Object to form.

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1 A. Once I talk to Mr. Barker, it's pretty much a
2 situation I would expect him to kind of deal
3 with, if he felt that there was an issue there
4 to be dealt with. And I'm not sure that that
5 one raised to the level of real concern for
6 me. It was a perception of a principal, and
7 I'm not sure it was accurate. But I think you
8 could get into a lot of other details if you
9 begin to respond to every perception.
10 Q. Well, you would agree with me if you take what
11 Mr. Lowe is saying Dr. Owens is saying is
12 true, he's claiming that Mr. Barker has some
13 animosity toward Mr. Lowe. It says, to
14 convince me Mr. Barker is ill with me and in
15 efforts of showing me I've got too far,
16 Dr. Owens -- And it goes on and on and on.
17 The school system doesn't have any
18 procedure in place that if a complaint is made
19 about a central office hiring that they will
20 have some investigation of that complaint?
21 MS. CARTER: Object to form.
22 A. Well, I think that I've outlined what the
23 central office process is for hiring, and

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1 that's what we do.
2 Q. I'm talking about more of what's the process
3 of the school system or procedure or policy of
4 the school system to handle a complaint that
5 involves treatment by a principal and by
6 central office staff.
7 A. Well, that letter did not come to me as a
8 grievance. I suspect if it had come in the
9 form of a grievance, we would have gone
10 through the grievance procedure and process.
11 But it did not come to me in the form of a
12 grievance.
13 Q. But you have a complaint where an employee of
14 the school system is saying I've been told I'm
15 going to be retaliated against because I filed
16 a lawsuit, which is an EEOC lawsuit. Are you
17 telling me that there's really not a process
18 or procedure in place with the school system
19 to handle that kind of complaint?
20 MS. CARTER: Just for the record, we
21 would object to his reference as
22 an employee at that time, but go
23 ahead.

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1 A. Again, I think it's a perception. It wasn't
2 sent to me as a formal grievance. And I don't
3 know -- I guess now that you've raised that
4 issue, I'm not sure if you're not an employee
5 if you have a right to the process of
6 grievance under the policy.
7 Q. Well, I'm not really asking you about a
8 grievance per se, but is there a policy or
9 procedure that if an employee or former
10 employee is providing you with information
11 saying that he's going to be retaliated
12 against because of filing a lawsuit because of
13 what the central office people are going to
14 do -- I mean, you don't have any kind of way
15 of addressing that?
16 A. The board does not have a policy to deal with
17 all the perceptions that people have.
18 Q. What about complaints? This is a complaint
19 about retaliation in the filing of an EEOC
20 lawsuit. Are you telling me the board does
21 not have a policy --
22 A. They have a grievance process, but I don't
23 think that came in the form of a grievance.

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1 And I could have followed the grievance
2 process if it had been sent as such.
3 Q. Are you telling me if they just receive a
4 complaint that someone is being retaliated
5 against on the basis of filing an EEOC lawsuit
6 that the board has no process for that?
7 MS. CARTER: Object to form.
8 A. Based on policies that I'm familiar with --
9 and I am familiar with the grievance
10 process -- I'll defer to Mr. Barker if there's
11 a complaint process as such.
12 Q. So you don't know?
13 MS. CARTER: Object to form.
14 A. I'm not familiar with one that exists, a
15 complaint process.
16 Q. Did you ever tell Mr. Lowe that he needed to
17 file a formal grievance?
18 A. No, I did not.
19 Q. Did you respond to Mr. Lowe at all regarding
20 this letter?
21 A. No, I did not.
22 Q. And so your only action with it was to talk to
23 Mr. Barker about it; is that right?

25 (Pages 97 to 100)

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1 A. I think the only time that I might have
 2 responded to him on e-mail -- that didn't
 3 come -- Let me look at that again, please.
 4 I don't know how it was sent. I don't
 5 know if I recall it was on e-mail. It looks
 6 like it came off the e-mail system, but I
 7 don't recall responding to that. And, again,
 8 my process of responding to people with
 9 e-mails unless I sit and type a response is
 10 just acknowledge that I received it, and I
 11 can't recall about that one.
 12 Q. So your only action with regard to Plaintiff's
 13 Exhibit 5 was to give it to Mr. Barker or talk
 14 to Mr. Barker about it?
 15 A. Yes.
 16 Q. How many times would you have talked to
 17 Mr. Barker about it?
 18 A. I can't recall that.
 19 Q. Do you know if there's any notes or
 20 documentation of those conversations?
 21 A. I'm not sure. I would have to look.
 22 Q. What do you recall, if anything, of those
 23 conversations with Mr. Barker?

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1 A. Sometimes those conversations are as basic as
 2 would you look into this; would you get back
 3 to me on this. But I would have to look and
 4 see if there were notes on Exhibit 5.
 5 Q. Did you ever follow up with Mr. Barker
 6 regarding Plaintiff's Exhibit 5?
 7 A. I can't recall.
 8 Q. Do you remember Mr. Barker ever reporting back
 9 to you about Plaintiff's Exhibit 5?
 10 A. I'm not sure specifically about Plaintiff's
 11 Exhibit 5 as much as the bigger process, which
 12 was the process for going through an interview
 13 process for the coaching position -- reading
 14 coach position.
 15 Q. Were you ever advised through counsel Mr. Lowe
 16 had complained that he was being cut off from
 17 positions through the central office
 18 administration? I'm not saying that
 19 lawyer-client --
 20 MS. CARTER: I was going to say.
 21 When you said counsel, do you
 22 mean --
 23 MR. PATTY: No. I'll make it

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1 plainer.
 2 Q. I wrote a letter to Spud back in the early
 3 fall, August, and said that Mr. Lowe was
 4 having problems because he was being
 5 recommended for positions by principals or
 6 principals had been wanting to hire him but he
 7 was not getting hired at these spots, and he
 8 felt like somebody was blocking him in the
 9 central office.
 10 Were you ever made aware of that
 11 complaint?
 12 A. I think Mr. Barker said something about
 13 that to that effect. But, of course, the
 14 recommendations come down from principals, so
 15 it wouldn't have come from central office.
 16 Q. Well, central office would have been the block
 17 for the hiring that Dr. Owens wanted to hire,
 18 right?
 19 MS. CARTER: Object to form.
 20 A. Well, the fact that they had not used the
 21 process that was in place was the real block.
 22 Q. But that was through central office, right?
 23 A. That was through central office, but they had

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1 gone outside the procedure.
 2 Q. Were you aware that Mr. Abrams wanted to hire
 3 Mr. Lowe for a position?
 4 MS. CARTER: Object to form.
 5 A. I was not familiar with that until this
 6 discussion getting ready for this week, so I
 7 wasn't familiar with that.
 8 MS. CARTER: She's talking about
 9 what I told her the claims were.
 10 MR. PATTY: I don't want to get
 11 into -- Don't tell me what your
 12 lawyer said to you.
 13 Q. What about Ms. Starks? Were you aware that
 14 Ms. Starks wanted to hire Mr. Lowe for a
 15 position?
 16 A. I can't recall that was ever a conversation
 17 with me either.
 18 Q. Or Mr. Sikes?
 19 A. Not familiar with that as a case either.
 20 Q. Following -- Other than what we've talked
 21 about, do you recall any other discussions
 22 this summer regarding Mr. Lowe?
 23 A. None that I can think of.

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- 1 Q. Did it concern you that an employee at the
2 school or former employee at the school,
3 however you want to say it, was telling you
4 that his principal and supervisor had informed
5 him he was going to be retaliated against for
6 filing his lawsuit?
7 A. His supervisor?
8 Q. Yeah. His principal had told him he was going
9 to be retaliated against by administration for
10 filing his lawsuit.
11 A. Again, I guess I'm back to perception that's
12 stated in this letter, and --
13 Q. Well, unless you investigate it, you don't
14 know whether it's perception or truth, do you?
15 MS. CARTER: Object to form.
16 A. I do not sense that the people in our HR
17 department would have retaliated against
18 people.
19 Q. That would be, again, a perception instead of
20 investigation; is that right?
21 MS. CARTER: Object to form.
22 A. But I'm in close contact with them every day,
23 and I don't sense that.

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- 1 Q. But you did not do any investigation into
2 Plaintiff's Exhibit 5?
3 MS. CARTER: Object to form.
4 A. Again, I guess it didn't come as a grievance
5 or as a formal complaint.
6 Q. Well, it's a complaint, isn't it?
7 A. Well, I mean --
8 MS. CARTER: You've told her it's a
9 complaint like 30 times now. And
10 then you said, well, maybe it's
11 not a complaint; how did you
12 respond to it. But anyway I
13 think she's testified that she
14 turned it over to Mr. Barker and
15 she didn't do anything. I don't
16 think she's trying to be
17 dishonest about it.
18 Q. But you would agree with me that he's
19 complaining about his treatment at the school
20 system, right?
21 MS. CARTER: Object to form.
22 A. I've answered that one. It's a perception of
23 Dr. Owens regarding what he said to Mr. Lowe.

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- 1 Q. What do you think -- If Mr. Lowe was not
2 trying to get you to take some action to
3 assist him regarding Plaintiff's Exhibit 5,
4 what do you perceive the purpose of that
5 letter to be?
6 MS. CARTER: Object to form.
7 A. I sense that Mr. Lowe was concerned and just
8 wanted to express these concerns.
9 Q. But would there be any other purpose he would
10 have in sending you Exhibit 5 other than he
11 was trying to make his complaint and get you
12 to take some action on it?
13 A. Other than what I said, I'm not sure of his
14 true intent.
15 Q. Do you know if Lowe was ever to your knowledge
16 considered for any position after the -- after
17 the decision was to move -- After the decision
18 was to close Daisy Lawrence, was Mr. Lowe ever
19 considered for any position anywhere else in
20 the school system to your knowledge?
21 A. I'm not sure.
22 Q. How long did it take before the other
23 employees from Daisy Lawrence were reassigned?

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- 1 A. I suspect that it took a while. I guess the
2 last person that I recall being assigned was
3 Mrs. Zara Brown, and that one seemed to have
4 occurred right up till the opening of school.
5 But I'll defer to Mr. Barker to give the exact
6 details on it, but it just seemed that I
7 recall that when we looked around and asked
8 the question had all tenured -- certified
9 tenured people been assigned, that that might
10 have been one of the last ones. And we may
11 not have had as much of a concern per se
12 inasmuch as she would not have been a
13 classroom teacher and had to get a classroom
14 set up but a counselor in a school. So we
15 very much wanted to get teachers in place as
16 soon as possible so they could get their rooms
17 ready for the opening of school.
18 Q. Was Zara Brown tenured or nontenured?
19 A. She's a tenured employee, I believe.
20 Q. And your testimony is that -- Have you ever
21 spoken to Dr. Owens about Mr. Lowe or his
22 lawsuit?
23 A. No, I have not. Probably the only

27 (Pages 105 to 108)

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1 conversation I've had with Dr. Lowe was --
2 Dr. Owens was at the closing of the school and
3 the entry into Paterson.
4 Q. When was the decision made to close Daisy
5 Lawrence? Do you remember?
6 A. I don't remember when. Somewhere between
7 December 1 when I arrived and June.
8 Q. Was it a committee that made this
9 recommendation as part of a plan, or how was
10 that done?
11 A. I involved staff members to help me look at
12 the overall data on the school, the concerns
13 we had and about young children being
14 separated, the cost of operating a facility
15 with so few children. So obviously other
16 staff members were involved, and a
17 presentation was done at the board meeting --
18 not at the board meeting but a work committee
19 meeting of the board before we actually moved
20 into it.
21 Q. Do you remember Mr. Lowe speaking with you in
22 the summer of 2005 about being blocked from
23 positions? Do you remember any conversation

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1 with him about that?
2 A. No more than the conversation we've already
3 had and what's contained in letters.
4 Q. Do you remember ever telling Mr. Lowe that the
5 principal must recommend someone for a job and
6 he hadn't been recommended by anyone?
7 A. I don't recall that specifically, no.
8 Q. Have you talked to Starks, Sikes or Abrams
9 about Mr. Lowe, whether they wanted to hire
10 him?
11 A. No, I've not spoken to any of them about this
12 matter.
13 Q. Are there -- These meetings when you decided
14 to close Daisy Lawrence, are there notes of
15 those meetings, minutes, the different
16 meetings that would have taken place, the
17 committees of the board or the board?
18 A. I'm sure there are, yes.
19 Q. Who would have made the decision not to renew
20 Mr. Lowe's contract after working at Daisy
21 Lawrence?
22 A. Who would have done what, now?
23 Q. Who would have made the decision not to renew

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1 Mr. Lowe's contract in the spring of 2005?
2 A. Well, part of that was made probably with the
3 tenured versus nontenured positions in the
4 district.
5 Q. Do you know if Mr. Lowe has highly qualified
6 status in any positions?
7 A. I'm going to defer to Mr. Barker on that.
8 Q. So that's no? Does that mean no, you don't
9 know?
10 A. Yeah. You don't know what 2600 employees
11 have.

12 MS. CARTER: Let's take a short
13 break.

14 (Brief recess.)

15 MR. PATTY: We're through.
16 (Deposition concluded at
17 approximately 11:45 a.m.)
18

19 *****

20 FURTHER DEPONENT SAITH NOT

21 *****

22 REPORTER'S CERTIFICATE
23 STATE OF ALABAMA:

Page 111

1 MONTGOMERY COUNTY:
2 I, Pamela A. Wilbanks, Registered
3 Professional Reporter and Commissioner for the State
4 of Alabama at Large, do hereby certify that I
5 reported the deposition of:
6 DR. CARLINDA PURCELL
7 who was first duly sworn by me to speak the truth,
8 the whole truth and nothing but the truth, in the
9 matter of:
10 MELVIN LOWE,
11 Plaintiff,
12 Vs.
13 MONTGOMERY COUNTY BOARD OF
14 EDUCATION; VICKIE JERNIGAN,
15 MARK LABRANCE, TOMMIE MILLER,
16 MARY BRIERS, DAVE BORDEN,
17 HENRY A. SPEARS and BEVERLY ROSS,
18 in their official capacities as
19 members of the Montgomery County
20 Board of Education; and DR. CARLINDA
21 PURCELL, in her official capacity as
22 Superintendent of the Montgomery
23 County

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1 Board of Education,
2 Defendants.
3 In The U.S. District Court
4 For the Middle District of Alabama
5 Northern Division
6 2:05-CV-0495

7 on Monday, January 23, 2006.

8 The foregoing 112 computer printed pages
9 contain a true and correct transcript of the
10 examination of said witness by counsel for the
11 parties set out herein. The reading and signing of
12 same is hereby waived.

13 I further certify that I am neither of kin
14 nor of counsel to the parties to said cause nor in
15 any manner interested in the results thereof.

16 This 3rd day of February, 2006.

17
18
19
20
21 Pamela A. Wilbanks, Registered
22 Professional Reporter and
23 Commissioner for the State
of Alabama at Large.

29 (Page 113)

<p>A</p> <p>ability 82:22</p> <p>able 15:13 40:17 48:16 50:9</p> <p>about 6:8 8:15 12:20 13:21 14:14,18 17:1 22:7,16 23:9 24:1,16 27:16,21 29:12 33:8 33:9,20 35:19 37:8 37:12 38:16,19,20 40:5,19 41:7,15,20 42:6,10,17,18 43:22 44:19 45:19 47:4,16 48:6,23 49:2 51:11 53:5 55:22 57:3,5,9 58:15 61:14 62:4 63:11,14,18,20,22 64:3,18 65:15,16,17 66:9,23 67:10,19 70:18,23 72:2,8 74:5 74:16 77:5,19 79:1 82:14 83:12,15,19 84:1,16 85:4,14,18 85:21 86:1,7,14 90:9 90:14 92:15,18 94:16 95:16 97:19 98:2 99:7,18,19 100:23 101:11,14,17 102:9 102:10 103:12 104:8 104:13,21 106:17,19 108:21 109:13,22 110:1,9,11</p> <p>Abrams 104:2 110:8</p> <p>abreast 47:7</p> <p>absences 52:4,4</p> <p>absolutely 70:8 76:15</p> <p>academic 24:3,10</p> <p>access 35:9 93:12</p> <p>accurate 35:15 97:7</p> <p>acknowledge 101:10</p> <p>action 1:6 14:3 100:22 101:12 107:2,12</p> <p>actions 14:2</p> <p>active 81:1</p> <p>actual 61:17 73:18</p> <p>actually 7:2 18:4 38:3 56:20 78:4 109:19</p> <p>Adams 66:14</p> <p>added 81:18</p> 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